

# Exhibit D

Transcript of the Testimony of

**Stefan Haney**

November 7, 2017

Abdullah Haydar v. Amazon Corporate, LLC



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Abdullah Haydar v. Amazon Corporate, LLC  
Stefan Haney 11/7/2017

Job 5361

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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ABDULLAH HAYDAR,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 2:16-cv-13662
	)	
AMAZON CORPORATE, LLC,	)	
	)	
a foreign limited liability	)	
	)	
corporation; GARRET GAW, an	)	
	)	
individual; PETER FARICY, an	)	
	)	
individual; JOEL MOSBY, an	)	
	)	
individual;	)	
Defendants.	)	

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DEPOSITION OF STEFAN HANEY

\* \* \* CONTAINS CONFIDENTIAL TESTIMONY \* \* \*

November 7, 2017

Seattle, Washington

Reported by:

Connie Recob, CCR, RMR, CRR, CLR

CCR No. 2631

Job No. 5361

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Also Present:

Abdullah Haydar

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## EXAMINATION INDEX

EXAMINATION BY:

PAGE NO.

BY MR. NACHT

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## EXHIBIT INDEX

EXHIBIT NO.

DESCRIPTION

PAGE NO.

Exhibit 1

e-mail string, Bates Nos.

AMAZON\_HAYDAR\_00001345

through 1346

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Exhibit 2

Performance Reviews for Stefan

Haney, Bates Nos.

AMAZON\_HAYDAR\_00005788

through 815

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WITNESS INSTRUCTED NOT TO ANSWER

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INFORMATION REQUESTED

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BE IT REMEMBERED that on Tuesday, November 7, 2017, at 600 University Street, Suite 3200, Seattle, Washington, at 11:54 a.m. before Connie Recob, CCR, RMR, CRR, CLR, appeared STEFAN HANEY, the witness herein;

WHEREUPON, the following proceedings were had, to wit:

<<<<<< >>>>>>

STEFAN HANEY, having been first duly sworn, deposed and testified as follows:

#### EXAMINATION

BY MR. NACHT:

Q. I'm David Nacht. We just met. What's your name?

A. Stefan Haney.

Q. And do you work for Amazon?

A. Yes.

Q. What do you do for them?

A. I'm a director of product and technology management.

Q. Keep your voice up a little higher, please.

A. Sure.

1 Q. And how old are you?

2 A. I am born in 1973 so I'm 44 years old.

3 Q. Okay.

4 A. I had to do the math.

5 Q. And you're married with children?

6 A. Yes.

7 Q. And how long have you been married?

8 A. I was married in 2001, so 16 years.

9 Q. And how many kids do you have?

10 A. Seven.

11 Q. That's a lot of kids. Good for you.

12 A. Thank you.

13 Q. Where did you grow up?

14 A. I grew up in Grand Rapids, Michigan,  
15 actually just outside in Jenison, Michigan.

16 Q. How do you spell that?

17 A. J-E-N-I-S-O-N.

18 Q. And you went to high school there?

19 A. I did. I went to high school at Covenant  
20 Christian High School.

21 Q. Where is Covenant Christian High School?

22 A. It's in Walker, the town of Walker just  
23 outside of Grand Rapids.

24 Q. And you graduated Covenant Christian what  
25 year?

1 A. 1991.

2 Q. And did you play a sport?

3 A. Baseball.

4 Q. Infield or outfielder?

5 A. Catcher.

6 Q. How are your knees?

7 A. Great. I love squatting. I feel them.

8 Q. And you went to Western?

9 A. Yes.

10 Q. That's Western Michigan University?

11 A. That's correct.

12 Q. And you did a bachelor's there?

13 A. Yes, I did.

14 Q. Do you have any education beyond your  
15 bachelor's degree at Western Michigan University, sir?

16 A. I do not have a formal university  
17 education beyond Western.

18 Q. And what did you study at Western?

19 A. I received a bachelor of business  
20 administration. I also studied German history.

21 Q. German history or German language or both?

22 A. Both.

23 Q. Are you fighting a cold?

24 A. A little bit.

25 Q. Are you on some sort of cold medication?



1 A. No.

2 Q. Are you on any kind of medication that  
3 would interfere with your memory or prevent you from  
4 testifying fully and completely today?

5 A. No.

6 Q. Okay. Have you ever had your deposition --

7 A. I took some Advil. I took some Advil  
8 earlier. I didn't think it was cold medications.

9 Q. Have you ever had your deposition taken  
10 before?

11 A. No.

12 Q. Have you ever given testimony in court  
13 before?

14 A. No.

15 Q. Did they show you a tape or something where  
16 you get to watch a deposition?

17 A. No.

18 Q. So you've heard about it. Did you hear  
19 from Peter Faricy about his deposition?

20 A. No.

21 Q. Did you hear from anyone else in this case  
22 about their depositions?

23 A. No.

24 Q. So the deposition is this, I ask questions.  
25 You wait until I finish so that she can type everything

1 down. You wait a beat. You want to get it done.  
2 You're a hard charging guy. You take the hill. But  
3 give it a beat so that Mr. Wolff can do his job and  
4 object to my question if he needs to before you answer.  
5 And then if he doesn't tell you, Don't answer, remember  
6 my question so we don't sit here longer with me  
7 repeating it and just answer the question.

8 Sound good?

9 A. I'll do my best.

10 Q. Terrific. Me too.

11 What was I referencing when I said you take the  
12 hill?

13 A. I don't know.

14 Q. Well, didn't Mr. Faricy express confidence  
15 in you that you were someone who took the hill?

16 A. I don't know what you're referring to.  
17 I've worked for Mr. Faricy since 2009 and have had a  
18 number of performance review conversations with  
19 Mr. Faricy.

20 Q. That's his phrase, right?

21 A. That could be a phrase he would say. I  
22 could see him saying that phrase.

23 Q. And what does that phrase mean to you?

24 A. We grew a business significantly between  
25 2009 and current state and we invented a lot of new

1 systems and software, and I was asked to help do a lot  
2 of that invention and growth along the way.

3 Q. And the metaphor is to Marines or Army  
4 taking a hill in battle?

5 A. I don't know what Mr. Faricy's reference  
6 would be.

7 Q. Is that how you took it?

8 A. I --

9 MR. WOLFF: Objection. He didn't say he  
10 heard it.

11 MR. NACHT: Fair.

12 MR. WOLFF: Teddy Roosevelt.

13 MR. NACHT: He took the hill.

14 THE WITNESS: It's a critical reason why he  
15 took the hill. He had technology advantage over the U.S.  
16 Army soldiers. His rough riders had smokeless cartridges  
17 whereas the standard army issue had black powder.

18 BY MR. NACHT:

19 Q. Why was that an advantage?

20 A. Because they were charging up a hill and  
21 on the San Juan Hill when you shoot a black cartridge  
22 powder you're going to get a nice puff of black smoke  
23 that says, Hey, I'm right here, whereas a smokeless  
24 cartridge is not going to have the same telltale sign.

25 Q. What was the moment when you first had

10

1 concerns about Abdullah Haydar as a partner in the  
2 Nudge business?

3 A. The first concern that you know, we had  
4 was simply --

5 Q. I'm asking about you personally.

6 A. The first concern I had was first would  
7 Abdullah be successful in a remote office away from  
8 Detroit -- or excuse me -- away from Seattle, and what  
9 would it take for him to be successful there.

10 Q. And so that was last quarter, 2013?

11 A. Yes.

12 Q. Had you heard about Abdullah from Faricy  
13 before that point?

14 A. I had not talked to Mr. Faricy about  
15 Abdullah.

16 Q. Who did you have conversations with about  
17 that particular concern?

18 A. Joel Mosby was the tech leader over the  
19 Nudge program, and so Joel -- Joel asked me if I had  
20 concerns.

21 Q. Mosby succeeded someone else as a tech  
22 leader or was he the first tech leader?

23 A. No, he succeeded someone else.

24 Q. Who did he succeed?

25 A. The -- I had had a dev manager named Alex

11

1 Ristoff and in the first part of the Nudge business  
2 when we first invented it and then Joel came in as the  
3 senior dev manager and we moved the tech team  
4 including Alex to Joel.

5 Q. Who came up with the concept of the nudge?

6 A. Well, it just won a -- the book Nudge and  
7 the economic research just won a Nobel prize. It's a  
8 University of Chicago professor. I was asked to take  
9 by -- so 2009 Sebastian, there was a Nudge team and  
10 I'm not sure who named it Nudge. There was a seller  
11 success and Nudge team.

12 Q. And when you joined Amazon that was in your  
13 wheelhouse right from the beginning? It was one of --  
14 part of your responsibilities?

15 A. It was added to my responsibilities in  
16 2009.

17 Q. You got out of college -- let me get some  
18 background from you. You got out of college what year  
19 '01?

20 A. '95.

21 Q. '95. And then what did you do?

22 A. I worked for Accenture.

23 Q. Doing consulting?

24 A. Correct.

25 Q. Where were you based?

12

1 A. I was based out of Chicago.

2 Q. How many years?

3 A. Roughly four, four and a half years.

4 Q. And what was your next job?

5 A. I worked at an Internet startup in Lake  
6 Forest Park of Chicago.

7 Q. How long were you there?

8 A. About a year.

9 Q. What was your next job?

10 A. I was an independent contractor supply  
11 chain consultant.

12 Q. For how long?

13 A. About two and a half, three years.

14 Q. Did the Internet startup go under? Did  
15 they let you go or did you quit?

16 A. I was laid off.

17 Q. And when were those years when you had your  
18 own independent consultancy?

19 A. Roughly 2001 to 2003.

20 Q. Was there a slowdown in the tech business  
21 at that point?

22 A. I think it's pretty well documented on  
23 that the Internet bubble in the 2000s.

24 Q. And...?

25 A. We were an online MBA, we had roughly

13

1 40ish students and a lot more people. The math  
2 doesn't work.

3 Q. Were you able to generate revenue as an  
4 independent consultant?

5 A. Yes.

6 Q. Did you enjoy working for yourself?

7 A. Yes.

8 Q. Did you ever hire anybody?

9 A. No.

10 Q. Were you working out of your house?

11 A. I would work on the client's location.

12 Q. And what was it that made you leave that?

13 A. Travel, we were going to reduce my travel.

14 Q. So you were living in Chicago. You had  
15 some kids by this point?

16 A. I had one with another on the way.

17 Q. And what was your next job?

18 A. I came to Amazon.

19 Q. Who hired you?

20 A. Jacob Kjelstrup.

21 Q. What unit?

22 A. In procurement software, inventory  
23 purchasing software came with supply chain.

24 Q. What was your particular job initially?

25 A. My title was business analyst procurement

1 software.

2 Q. What were you supposed to do?

3 A. I was given assignments like measuring the  
4 efficiency and effectiveness of our inventory  
5 purchasing POs such as the not-in-stock shipment  
6 estimate accuracy. If we said we'd ship something to  
7 you and we didn't have it in stock, how often were we  
8 right, and then building measurements around our  
9 vendors to go find a vendor so we wouldn't be wrong  
10 next time.

11 Q. You're not someone who writes code, you  
12 work with the people who write the code?

13 A. At Amazon, that's correct.

14 Q. Were you -- even though you didn't study  
15 computers in college, were you someone who always  
16 played around with computers?

17 A. Yes.

18 Q. Has that served you well throughout your  
19 career?

20 A. Yes.

21 Q. I've noticed you have a number of patents?

22 A. Yes.

23 Q. And I assume you don't get your name on the  
24 patent just because you direct other people to go do  
25 something that you're involved in doing it yourself,



1 right?

2 A. You get your name on the patent if you're  
3 part of the submission. So I participated in the  
4 patent ideas for those patent submissions, yes.

5 Q. And you currently supervise software  
6 development engineers?

7 A. Yes.

8 Q. And you have supervised software  
9 development engineers and teams of software development  
10 engineers for several years at Amazon, correct?

11 A. Yes.

12 Q. And you are technically proficient, yes?

13 A. I don't know by what criteria you're  
14 evaluating proficient, so...

15 Q. That's a really fair point.

16 You know enough technology so that you can have  
17 intelligent conversations about problems with what the  
18 technology is experiencing and coming up with  
19 approaches for solutions to fix the technology to  
20 achieve business objectives?

21 A. In certain cases, yes. You're still  
22 having a very wide question so if we wanted to dive  
23 into Java, my proficiency would be very low. If we  
24 want to look at functional requirements, I would say  
25 I'm pretty sufficient.

16

1 Q. What is the difference between managing a  
2 business team and managing a technical team at Amazon  
3 in Marketplace?

4 A. I'm not sure how to answer your question.  
5 I can speculate --

6 Q. Don't speculate.

7 A. -- what the differences are.

8 Q. No, just I mean I've never worked at  
9 Amazon --

10 A. Yeah.

11 Q. -- and neither has the judge or the jury.

12 A. Sure.

13 Q. You've worked there and you've managed  
14 teams of technical people and you've managed teams of  
15 other business people and you've worked with technical  
16 managers?

17 A. Yeah.

18 Q. Based on your professional experience, how  
19 would you answer the question?

20 A. The expect -- so Amazon's expectations for  
21 product managers and software engineers are documented  
22 in the leveling guide and so generally the Amazon  
23 leveling guide is the first place to start in terms of  
24 expectation. Those leveling guides will include an  
25 area around delivers results, so the results of

17

1 business teams is expected to deliver will typically  
2 be a little different than the results a tech team is  
3 expected to deliver. That's one of the places it can  
4 vary.

5 Q. Anything else?

6 A. It depends on the manager expectations and  
7 the team expectations can create a variance. There's  
8 also biz tech teams at Amazon where you have someone  
9 who is a hybrid and the team is made up of hybrids.  
10 Amazon uses the two-pizza team model pretty regularly  
11 where the roles are the team may be a mixed set of  
12 roles.

13 Q. I'm sorry. I don't know that metaphor.

14 A. Basically Amazon --

15 Q. But I'm sure I'm going to like it.

16 A. There's plenty of Internet explanations  
17 about the two-pizza team model. Amazon early on said  
18 we want to keep our team sizes down to the size, the  
19 number of people that two pizzas can feed.

20 Sometimes you have to test that by bringing two  
21 pizzas or maybe four. I did enjoy my years with the  
22 Chicago pizza, so...

23 MR. WOLFF: I was going to say back in the  
24 day I could have been a tech team all by myself.

25 MR. MICHAELS: That's what I was going to

1 say.

2 THE WITNESS: There's a weighing factor  
3 there.

4 (Laughter.)

5 THE WITNESS: So the two-pizza team might be  
6 tasked to go do -- to launch the wine business, right,  
7 launch the wine business for Amazon.

8 BY MR. NACHT:

9 Q. I'm serious. What are we talking about  
10 with the two-pizza team, seven people?

11 A. Seven to ten people.

12 Q. Okay. In your hypothetical, you have a  
13 two-pizza team, that is a team of seven to ten people  
14 and they're tasked launch the what business?

15 A. Launch the wine business.

16 Q. Wine?

17 A. Yeah, it's an example, yes. So Amazon  
18 sold wine. You could buy wine on Amazon.com.

19 Q. All right.

20 A. In order for the team to achieve that,  
21 they had to identify some business policies, what  
22 would the revenue share with the winery be. How would  
23 we address legal issues for wine delivery, but then  
24 there's also technology code that needs to be built.  
25 You can't sell wine -- Amazon can't sell wine in

19

1 certain states so how would we turn that, create a  
2 filter, right, so as a two-pizza team they would have  
3 technology and business people under a single leader.

4 Q. What are you most proud of accomplishing  
5 since you've been at Amazon?

6 A. The first -- so I split it into two parts.  
7 The first half before I came to Marketplace I was  
8 particularly proud of growing Amazon's business  
9 particularly just the not-in-stock shipment. There  
10 are promise -- when we make a promise to you, we took  
11 that from without going into specific numbers, I made  
12 it -- it would be a rare day when we miss a promise to  
13 you. If we make a promise, we're going to deliver on  
14 time. I think it's great. You can buy a lot of stuff  
15 on Amazon now and you know it's going to get there.

16 The second thing I'm proud of is helping the  
17 Marketplace business grow, particularly small  
18 businesses who are able to sell on Amazon and make a  
19 living. I'm from Michigan. As you remember 2009 in  
20 Michigan wasn't great, right, so the ability to work  
21 on a business at Amazon that enables other people to  
22 have a living, is a pretty good thing.

23 Q. And you're talking about that Marketplace  
24 provides a market for other businesses to grow their  
25 businesses by providing them with a worldwide place to

1 sell their wares?

2 A. Yes.

3 Q. Okay.

4 A. I'm referring to the Marketplace business.  
5 It's a story of entrepreneurship.

6 Q. And within your work at Marketplace --  
7 well, first, when did you come to Marketplace?

8 A. I came to Marketplace in Q1 in 2009.

9 Q. And you came to Amazon when?

10 A. 2003, October.

11 Q. Did Peter Faricy hire you for Marketplace?

12 A. No.

13 Q. Who did?

14 A. I had an interview loop and reported to  
15 Jacob Levanon. I had an internal transfer loop and  
16 reported to Jacob Levanon who was the VP of --

17 Q. How do you spell his last name?

18 A. L-E-V-A-N-O-N. He's since passed away.

19 Q. How long did you work for him?

20 A. I worked for him for approximately eight  
21 to ten months. It came up on a year and then he  
22 retired.

23 Q. And who did you report to next?

24 A. Curt Ohrt.

25 Q. And what was your first job for Mr. Ohrt?

21

1           A.     So this is about a year after I had been  
2     at Marketplace at that point. I managed a set of  
3     teams in the Marketplace business, so I was a senior  
4     manager of technology in the Marketplace business and  
5     I was responsible for the Seller Central platform  
6     team, the Seller Central and the seller design team,  
7     so it was design team did all the designs, and then I  
8     had recently added responsibility for the Nudge team.

9           Q.     So you were managing technical teams as  
10    well as business teams?

11          A.     Correct.

12          Q.     And at the time you worked for Ohrt, were  
13    you an L6?

14          A.     No.

15          Q.     Were you an L5?

16          A.     No.

17          Q.     Were you an L7?

18          A.     Yes.

19          Q.     When did you become an L7?

20          A.     I would have to look at the specific  
21    promotion timing, but it was in the retail systems  
22    2007, 2008.

23          Q.     Okay. Before you came to Marketplace?

24          A.     Yes.

25          Q.     And when did you become an L8?

1 A. 2013.

2 Q. Okay. Are you an L8 today?

3 A. Yes.

4 Q. And what's the difference between an L7 and  
5 an L8? Compensation?

6 A. There is compensation -- typically there's  
7 a compensation difference.

8 Q. And are we talking about several hundred  
9 thousand dollars a year difference?

10 A. In my promotion I could afford a boat  
11 after I got promoted, a used aluminum canoe. It was  
12 not a significant change for me.

13 Q. Are stock option opportunities different  
14 for L8s and L7s typically?

15 A. I would have to look at the comp, the full  
16 comp packages. Typically as a manager there's going  
17 to be -- there's a total comp difference between the  
18 two roles and yes, and it's going to be both salary  
19 and salary is going to be minimal because we have a  
20 salary cap and then the difference will be in stock.  
21 But the total comp target is going to be different  
22 between the two.

23 Q. I mean the total comp target between you  
24 being an L8 and an L7 is not a used aluminum boat I  
25 presume?



1 A. My comp change when I was promoted was  
2 not.

3 Q. Minimal?

4 A. Was minimal.

5 Q. And when was that?

6 A. My promotion was 2013 if I'm remembering  
7 correctly.

8 Q. All right. And who was that under?

9 A. That was under Mark Mitchke.

10 Q. Spell his last name, please.

11 A. M-I-T-C-H-K-E.

12 Q. And Mitchke, is he still in Marketplace?

13 A. He is not in the Marketplace team. He is  
14 in the seller business. He is the leader of the  
15 fulfillment by Amazon business.

16 Q. That's a big job, isn't it?

17 A. I think so.

18 Q. So he reports directly to Faricy?

19 A. No, he reports to Sebastian Gunningham  
20 now.

21 Q. Okay. And Faricy reports to Gunningham?

22 A. Correct.

23 Q. Mitchke did report to Faricy?

24 A. Yes.

25 Q. Did fulfillment by Amazon start out

1 within -- underneath Faricy?

2 A. No.

3 Q. Okay. You love this company, don't you?

4 A. I enjoy working for Amazon.

5 Q. And you love your career?

6 A. I do.

7 Q. I see it in your eyes. It excites you.

8 You feel like you're fulfilling your purpose  
9 professionally, yes?

10 A. I'm able to use my talents at work.

11 Q. That's great. That's the way it's supposed  
12 to be. Free country. You find your path. That's  
13 awesome.

14 What makes you good at what you do?

15 A. The -- I believe I have a focus on  
16 customers and just understanding what people are  
17 trying to do, and I'm able to look at data in a way  
18 that to see patterns in data, and I think there's  
19 other strengths that have been documented in  
20 performance reviews which I've seen produced in this  
21 case.

22 Q. Well, I don't know what you've seen. Why  
23 don't you just tell me what you think.

24 A. Those are the three things.

25 Q. Okay. What you think. So your focus on

1 customers, your ability to see patterns in data, and  
2 what was the third thing?

3 A. Ability to envision new processes and  
4 deliver new processes.

5 Q. You imagine a new kind of solution to a  
6 problem that exists?

7 A. Yes.

8 Q. So you get to be creative and analytical  
9 and supervise people in helping achieve a vision that  
10 you imagine?

11 A. Yes. Well, that we imagine.

12 Q. Okay.

13 A. Part of the process is it's more than  
14 mine. It's more than me.

15 Q. Sure. You're not the one writing the check  
16 to fund the whole thing?

17 A. That's part of it.

18 Q. So you've got to get buy-in. How do you  
19 get buy-in? Explain that. How do you get buy-in for  
20 your -- you know, for your ideas generally? Let's  
21 limit it to the time when you were at Marketplace.

22 A. One of the main ways we get buy-in versus  
23 we're starting with goals, right. What is our goal in  
24 a very measurable and time bound way? We build a set  
25 of goals and we start testing those goals against what

1 we can deliver with the resources that we have,  
2 people, work estimates. We pull that into a plan  
3 called an OP1 plan or an operating plan and that lays  
4 out what we think we can deliver.

5 For our main ideas in that OP1 plan, we will  
6 also try to drive more details into a -- Amazon uses a  
7 press release, a PR FAQ process where we try to  
8 explain what are we building for whom, with what  
9 impact.

10 Q. Let's go back to the OP1 plan. So this is  
11 essentially making a business plan like you might  
12 present to a bank for a loan for a business?

13 A. Our OP1 plans typically have a set of  
14 description of the opportunity size both what is the  
15 problem or opportunity of the business and the  
16 technology architecture, what are the specific  
17 deliverables usually with estimates, work estimates  
18 and then what's the expected results that will measure  
19 both -- both expected deliverables and the expected  
20 results and goals. I haven't presented a business  
21 plan to a bank recently, so...

22 Q. How many OP1s have you been the primary  
23 person behind?

24 A. Well, I've been the primary person behind  
25 the OP1 for the -- for my teams since 2009.

27

1 Q. And are there multiple OP1s each year?

2 A. There are.

3 Q. So you've done...?

4 A. There's an OP1. Sorry. Let me say that  
5 differently.

6 There's an OP1 for my team. So I'm responsible  
7 for the resources that I'm responsible to steward to  
8 have an OP1 plan for them, and then there is an  
9 overall Marketplace OP1 that some of my inputs from my  
10 OP1 would feed into.

11 Q. Okay.

12 A. There's only one OP1. There's a full  
13 strategic planning cycle that moves from OP1 to  
14 believe it or not it's OP2 and then also a three-year  
15 plan exercise which happens in June.

16 Q. And the -- if -- were you sometimes  
17 assigned to manage teams that are working on completely  
18 different products?

19 A. I was often -- as someone who had a lot of  
20 experience I was asked to consult teams and then, yes,  
21 I was assigned teams of pretty different products.

22 Q. And so your OP1 plan, is that redundant to  
23 call it an OP1 plan?

24 A. No -- it's a good question. We have it  
25 all the time. We call it an OP1 plan even though plan

1 is in the name, yes.

2 Q. Okay. So you would do an OP1 plan and it  
3 would include descriptions of the resources that you  
4 had deployed to accomplish different missions and how  
5 much -- and what kind of result you expected to  
6 achieve?

7 A. Yes.

8 Q. And that's an annual?

9 A. Yes.

10 Q. Okay.

11 A. So for example, at one point I had Selling  
12 Coach. I had a design team, and I had the used  
13 business on Amazon, three very different OP1s. I  
14 expected the leader of each of those to have developed  
15 a base OP1 plan and then as the leadership team we  
16 would consolidate it.

17 Q. Who -- who came up with the concept of the  
18 Amazon Marketplace? Was that Jeff Bezos?

19 A. I don't know. It predates me.

20 Q. It's a very cool idea, would you agree?

21 A. There's historical you can go to zShops,  
22 you know, back in like 2004, 2005, right, and Toys "R"  
23 Us And target back then.

24 Q. So when you got started with Marketplace in  
25 2009, what sort -- what sort of industries was

29

1 Marketplace in? Who was it selling -- you know, what  
2 kind of stuff was being sold?

3 A. Understanding the full scope wasn't in my  
4 set of responsibilities so I can comment on what I  
5 saw. You know, I saw businesses from -- I believe  
6 Marketplace was in most -- there were three P offers  
7 in most categories that Amazon retail sold. So 2009  
8 we were in pretty much most hard lines and consumable  
9 electronics, media.

10 Q. So you weren't -- that wasn't the side of  
11 the business you were on. You were more on the  
12 interactive experience with the users?

13 A. Yes, in that time frame, in 2009, yeah.

14 Q. And that continued for quite some time,  
15 right?

16 A. Yes.

17 Q. Which is actually a very different thing  
18 than supply chain management, isn't it?

19 A. It's a little bit different, yeah.

20 Q. When I looked at your LinkedIn profile, I  
21 was very impressed by the idea that you seem to have  
22 tremendous success and depth in these two very  
23 different industries. I've been an employment lawyer a  
24 long time. You know, you meet people who they're at  
25 Ford, they're an MP&L, supply chain management people

30

1 their whole careers and that's a certain kind of a  
2 manager in my head, and then there are other people who  
3 do, you know, kind of design interactive stuff,  
4 creativey-type, technical types, both working together.  
5 They're very different people typically from the supply  
6 chain management people. And so it's interesting to  
7 meet someone, I was looking forward to meeting someone  
8 who is obviously successful in these very different  
9 areas that require a very different set of skills.

10 Were you a creative person? Did you have, like,  
11 you know, art background or something?

12 A. No.

13 Q. What makes you good at the kind of figuring  
14 out the customer interface stuff?

15 A. Most of seller tools are a work flow.  
16 Seller is creating a listing, all right, I want to  
17 sell this mug. This mug doesn't exist on Amazon. I  
18 have to do -- and do a work flow to create this item  
19 on Amazon. It's black, it's this big. Work flows are  
20 supply chain management, right. It's a process flow,  
21 right. And so some of the same skills actually do  
22 apply.

23 When you're looking at confirming a purchase  
24 order on interactive screen, how many clicks do you  
25 really want to make the user do or if you're going



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1 to --

2 Q. It's getting to that shopping cart?

3 A. If you're trying to check out, right,  
4 would you rather tap all your credit card on your  
5 phone or scan with your camera, right, so  
6 understanding a user objective and understanding path  
7 efficiency actually worked out and then I'm not -- I  
8 was the design manager not the designer.

9 Q. Got it. So you don't need to have the  
10 direct design skills, you need to manage people and  
11 clearly articulate what they need to create for you?

12 A. Definitely the second part. You  
13 definitely, you know, there's a lot about people  
14 management. I would have to look at the leveling  
15 guide to see -- I believe I developed UX competence  
16 and learned a lot.

17 Q. I'm sorry; UX?

18 A. Design, user experience.

19 Q. I've never heard this said before. I mean,  
20 I've watched some lectures by Bezos and Faricy but I've  
21 never heard it quite said as succinctly as you said it.  
22 One associates Amazon with taking enormous steps in  
23 supply chain management and moving things around  
24 efficiently and one also of course, the story everyone  
25 knows about Amazon is the ease of user experience and

32

1 you're saying actually they're the same thing?

2 A. They're very similar, yes.

3 Q. That's cool.

4 So the Nudge or Nudge -- I say Nudge. Because  
5 of my particular background I say Nudge, but you say  
6 Nudge.

7 A. Potato and potato.

8 Q. So the Nudge concept, you say it exists in  
9 the academic literature but Amazon, did Amazon first  
10 use it for buyers and then later adapt it to the  
11 Marketplace?

12 A. The -- so there is a book entitled Nudge  
13 which encapsulates the -- encapsulates a whole bunch  
14 of thinking around habits. We started a Nudge team in  
15 2009. Very simply -- we being Marketplace started a  
16 Nudge team before it was handed to me and it was very  
17 simply use Amazon's data to give sellers hints on  
18 actions they should take to improve their business,  
19 most specifically are you going to go out of stock.  
20 You might -- you might want to get more inventory.

21 Q. And how do you figure that out, by the way?

22 A. On whether we're going to go out of stock?

23 Q. Yeah.

24 A. We pay attention to a lot of data and we  
25 build a lot of algorithms. We build a lot of guesses.

33

1 "We" being the big we of Amazon. There's a  
2 forecasting team. They probably have a lot more  
3 patents. One of my patents is new item forecasting.  
4 So again, I was in supply chain and specialized in  
5 forecasting, so...

6 Q. And the Nudge concept is applied in  
7 Marketplace is to encourage sellers to make sure that  
8 they obtain enough product so that they can deliver  
9 quickly? Is that the concept?

10 A. The initial concept was -- that was our  
11 first Nudge, but the overall concept is to provide  
12 timely algorithm driven recommendations to grow their  
13 business, their business on Marketplace. So we would  
14 then have categories of nudges depending which element  
15 of their business we thought, we identified an action.

16 Q. And so a benefit for a seller to sell their  
17 wares in the Amazon Marketplace is that they are  
18 getting as part of the fee for simply using your  
19 Marketplace, they're getting access to incredibly high  
20 powered unusual levels of analytical data to make  
21 smarter business decisions. Is that --

22 A. Sellers are for --

23 Q. Is that right?

24 A. As part of their fee, sellers are  
25 getting -- as part of their monthly fee, the Selling

1 Coach tools are a feature that comes with that fee.

2 Q. Instead of going out and paying some  
3 consulting firm to think about this stuff and design a  
4 particular piece of software or apply off-the-shelf  
5 software to their particular thing, you guys are doing  
6 it for them automatically; is that right?

7 A. We have data that sellers aren't able to  
8 access. So for example, forecasting, we don't share a  
9 product forecast with the seller. So if a seller  
10 wanted to compute when they were going to go out of  
11 stock, they couldn't -- they wouldn't have access to a  
12 demand forecast from Amazon. They would have to use a  
13 different method.

14 Q. But they get it from you by using you in  
15 terms of the nudges?

16 A. They get a recommended inventory, right.  
17 So they still don't get a forecast, but they get a  
18 recommended inventory coin.

19 Q. Did the quality of the nudges go up over  
20 time?

21 A. We measure -- we measure the quality of  
22 nudges in a number of ways so we measure quality by  
23 clicks and we measure quality in other ways and we  
24 constantly seek to improve those metrics.

25 Q. And have they gotten better over the years?

1           A.    They have gotten better and worse. Each  
2 nudge is measured individually. Some nudges have  
3 gotten worse. Some have gotten better. As a  
4 portfolio, I think we've improved the portfolio.

5           Q.    Why would a nudge get worse?

6           A.    The input data, the input data could  
7 deteriorate. The targeting rules, which sellers get  
8 which nudge could deteriorate. The click-through  
9 metrics could deteriorate.

10          Q.    And things deteriorate because patterns  
11 change, human behavior might not be quite as constant?

12          A.    Those could be reasons, yes.

13          Q.    All right. The culture changes and certain  
14 things become more in demand and certain things less in  
15 demand, yes?

16          A.    Product demand will change and so if a  
17 nudge is featuring one type of product and demand for  
18 that product goes down, that nudge will become less  
19 effective.

20          Q.    Is the timeliness of the nudge relevant?

21          A.    The timeliness of the nudge relevant? We  
22 did studies on the timeliness of the nudge and I  
23 honestly don't remember what we proved. Obviously a  
24 price nudge two days later is not useful, right. If  
25 you're being told someone just beat your price, you

1 probably want to know now.

2 Q. And so at some point did Amazon start  
3 providing realtime price nudges?

4 A. Yes.

5 Q. When was that?

6 A. I don't remember the dates.

7 Q. If I told you that it was in 2014 when  
8 Abdullah Haydar was in charge of the technical team for  
9 Nudge, is that consistent?

10 A. I would -- I would not be surprised to  
11 hear 2014, 2015. We were working on realtime nudges  
12 in partnership with the pricing team, so it would have  
13 been Abdullah and the leader of the pricing team.

14 Q. Okay.

15 MR. NACHT: Let's take a break for a second.

16 (Recess 12:36-12:45.)

17

18 EXAMINATION (Continuing)

19 BY MR. NACHT:

20 Q. You were not a decision-maker in any way  
21 concerning Abdullah Haydar's career, right?

22 A. Abdullah did not report to me and I did  
23 not participate in the review process for Abdullah  
24 because that was part of the -- where they made the  
25 decisions.

1 Q. You had input about his performance as he  
2 might have had input about your performance or other  
3 people could have had input about your performance.  
4 That's the culture of Amazon, right?

5 A. He was my prompt for the Nudge program,  
6 Abdullah led the tech team along -- there's also a  
7 business team and an analytics team, right, so  
8 arguably as his primary customer of his platform, I  
9 would certainly have input.

10 Q. When you say you were the customer, you  
11 were the business team?

12 A. Yes.

13 Q. So that made you the customer?

14 A. And the analytics team.

15 Q. I'm sorry?

16 A. And the analytics team.

17 Q. You were the analytics team?

18 A. So my responsibilities for the Selling  
19 Coach program -- so we have programs and teams, the  
20 program was delivered by a business leader on my team,  
21 Mat Philipsen who was the person responsible on my  
22 team for the Selling Coach Nudge program. Then I  
23 had -- Mat also had an analytics team of data  
24 engineers and business analysts. Those two teams plus  
25 work from the Selling Coach tech team. It's not to

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1 get confused between the tech team and the business  
2 program had the same name. Those -- work from those  
3 three teams would drive and achieve our goals of the  
4 program.

5 Q. I'd like a simple yes or no to the  
6 following question and then I'll give you an  
7 opportunity to explain.

8 A. Sure.

9 Q. Under Abdullah Haydar's leadership of the  
10 tech team, goals which had not previously been  
11 accomplished were accomplished?

12 A. Yes.

13 Q. Okay. Now you can explain.

14 A. We built new software during and -- built  
15 and delivered new software during Abdullah's ownership  
16 of the tech team. I'm sure there were goals in  
17 there -- and again, there was multiple pieces to  
18 Abdullah's tech team, the Selling Coach and business  
19 report string, but we built new software during that  
20 time.

21 Q. Okay.

22 A. So yes.

23 Q. All right. Thank you.

24 Now, what was the most frustrating thing for you  
25 with working with Abdullah?



1           A.    I believe I gave Abdullah feedback on  
2 multiple occasions about transparency to what his team  
3 was working on, when it would deliver and how those  
4 choices were being made.

5           Q.    That's not inherently frustrating. You're  
6 just saying you communicated information --

7           A.    So I gave him feedback because it wasn't  
8 transparent and the decisions that were being made  
9 were not clear and aligned to agreements that I  
10 thought we had made.

11                So the most frustrating thing for me is when we  
12 have an agreement and the behavior does not match to  
13 that agreement.

14           Q.    Okay. Can you -- how many times did that  
15 happen?

16           A.    That happened on multiple occasions.

17           Q.    Okay. Under ten?

18           A.    I don't know.

19           Q.    More than five?

20           A.    Definitely.

21           Q.    Okay. Let's -- you spent some time  
22 reviewing documents for this deposition?

23           A.    I did see a number of documents produced  
24 in this case, yes.

25           Q.    Did you spend some hours with some lawyers?

40

1 I don't want to know what you said, but you spent some  
2 hours with some lawyers?

3 A. I spent a couple hours with a lawyer  
4 yesterday, yes.

5 Q. Okay. You have known that your deposition  
6 was coming up and so you've given the matter a little  
7 bit of thought?

8 A. A little.

9 Q. Okay. Rattle off for me the particular  
10 examples that -- I'm then going to ask you about each  
11 one.

12 A. Sure.

13 Q. The particular examples where he broke  
14 agreements or if not literally a breaking of an  
15 agreement, it felt that way to you as the business  
16 partner.

17 A. I know in one of the documents produced  
18 for the case yesterday that I saw there's a summary to  
19 HR that outlines a number of the occasions.

20 Q. Well, as you sit here today.

21 A. And so the highlights of that. So  
22 that's -- I know that's one of the documents that's  
23 more comprehensive. Some of the highlights of that  
24 include the OP1 process in October, and as we made  
25 team changes with Abdullah, as Avi made team

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1 changes -- or we? -- it was Avi made team changes.

2 Q. I'm sorry. You just threw in --

3 A. It was a trust issue.

4 Q. -- Avi. That's Avi Saxena?

5 A. Correct.

6 Q. So we're talking you said October?

7 A. Correct.

8 Q. OP1 begins in October for the following  
9 calendar year?

10 A. OP1 will begin in usually July, August  
11 with a presentation in October, and then typically  
12 late September, October, and then from October until  
13 typically December we're doing the OP1 to OP2  
14 transition where we're doing team sizing and we're  
15 doing goal confirmation.

16 Q. And so we're talking now the second half of  
17 2013, correct?

18 A. I'm talking 2014.

19 Q. You're talking 2014. Let's go back.

20 A. Sure.

21 Q. Any -- you had some interactions with  
22 Abdullah or no interactions in 2013?

23 A. I had at least one interaction with  
24 Abdullah in 2013.

25 Q. What was that?

1           A.    The first interaction I remember with  
2   Abdullah was an intern allocation meeting.

3           Q.    Okay.

4           A.    In probably April or May of 2013.

5           Q.    What's memorable about that meeting?

6           A.    There's about five or six senior leaders  
7   in that meeting and we had a very relatively short  
8   amount of time for six people to determine how we were  
9   going to allocate.  Abdullah started to very loudly,  
10   in my opinion, talk about various allocation  
11   strategies which were not helping us make a decision  
12   or getting us further toward how we were going to  
13   allocate.  And at some point, after several minutes, I  
14   cut him off and said, This is not helpful.  We have a  
15   team of senior leaders here who are all equivalently  
16   capable.  Let's work together.

17           And so it's memorable because it was kind of my  
18   first interaction with Abdullah.

19           Q.    Did it leave a bad taste in your mouth?

20           A.    No.

21           Q.    Okay.  When's the next interaction you had  
22   with Abdullah that you can remember?

23           A.    As we started to engage with Abdullah  
24   about coming to the Nudge team and building out the  
25   team in Detroit.  So it would be later, much later in

1 2013 because we talked about -- before he took the  
2 role, we talked about what the role entailed and the  
3 expectations.

4 Q. Mosby asked you your thoughts about that,  
5 correct?

6 A. Yes.

7 Q. And you did not object or you did object?

8 A. I did not object.

9 Q. And so up to that point, we don't have any  
10 breaking of agreements?

11 A. Correct.

12 Q. Okay. Then Abdullah goes to Detroit and  
13 starts to build a team, right?

14 A. Yes.

15 Q. And he also has supervision of a team in  
16 Romania?

17 A. Yes.

18 Q. When is the first time that you can think,  
19 Man, I'm frustrated that Abdullah doesn't seem to be  
20 doing what he said he was going to do?

21 A. In the early part of 2014 I know I sent  
22 Abdullah an e-mail with some feedback on what I  
23 expected for visibility and transparency to roadmaps,  
24 both Selling Coach and Romania.

25 Q. Selling Coach was the team in Detroit, the

1 tech team?

2 A. Correct.

3 Q. What was Romania?

4 A. Romania was -- the team name was SSA or  
5 seller success and analytics I think, but it's the  
6 business reports functionality in Seller Central.  
7 Seller Central is the extranet tool used by sellers to  
8 access the features for selling on the Marketplace.

9 Q. And what made you send that e-mail?

10 A. Thinking back, I assume it was because I  
11 did not have transparency to what the roadmaps were  
12 for the team.

13 Q. Let me just stop you. I don't want you to  
14 assume.

15 A. Sure.

16 Q. As you sit here today, I gather you  
17 identified looking through documents or the lawyers  
18 gave you documents for you to look through, and don't  
19 tell me which, but anyway, there's a document you said  
20 you sent.

21 But do you remember what he did that frustrated  
22 you at that point?

23 A. I did not have visibility to what the team  
24 was working on and whether we were on track to meet  
25 our delivery dates, software delivery.

1 Q. So you're speaking Bezos speak so "I did  
2 not have visibility." Does that mean that he didn't  
3 tell you in English?

4 A. It means I did not know because from him,  
5 what the plan was.

6 Q. Was the plan not previously identified in  
7 the OP2?

8 A. It might be identified at a high level.  
9 You might have delivery dates of months but then you  
10 wouldn't have details of -- in your OP2, you may --  
11 one, you may have trade-offs from your OP2, right.  
12 You trade some work for some other work.

13 Q. And that's legit, right?

14 A. Typically you want to trade off in the  
15 same way you made the commitment. So if you want to  
16 make trade-offs, whoever signed off on the first, the  
17 work the first time should be part of the process to  
18 sign off on how we're going to trade work.

19 Q. And that's kind of an unwritten rule about  
20 how to make people feel comfortable at Amazon in your  
21 experience?

22 A. It's about if a team has shared goals with  
23 you or depending on the work you were delivering, then  
24 it would be appropriate to inform them that you're  
25 changing a work they depend on.

1 Q. Okay. And do you have a memory of Abdullah  
2 not sharing with you dates in early '14 and giving you  
3 that feeling of I don't know when this is happening;  
4 I'm frustrated?

5 A. Yes.

6 Q. And you're not sure as you sit here today  
7 exactly what it was, but you know you had that feeling;  
8 is that fair?

9 A. I am pretty confident in that part of --  
10 part of the feeling is about the roadmap or the lack  
11 thereof for the business reports team.

12 Q. Now, the business reports team is where?

13 A. That was in Romania.

14 Q. The Romania group. And so they are  
15 technical people for the business -- doing business  
16 reports?

17 A. They're building the software to expose  
18 business reports for sellers. The title of the  
19 feature in Seller Central is business reports.

20 Q. And they were writing that program?

21 A. They're writing that software, writing and  
22 operating that software.

23 Q. In Romania?

24 A. Yes.

25 Q. Okay. And --



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1 A. Iasi.

2 Q. In Iasi?

3 MR. NACHT: Off the record.

4 (Discussion off the record.)

5 BY MR. NACHT:

6 Q. All right. So how many people were in Iasi  
7 working for Abdullah?

8 A. I don't know the exact number, probably --  
9 it's a two-pizza team so I was going to say it's seven  
10 to ten.

11 Q. Okay. And do they have a supervisor there  
12 or do they just all report to him in Detroit?

13 A. I believe they have a manager there.

14 Q. Were there multiple teams in Iasi?

15 A. There are multiple teams in Iasi.

16 Q. Do you happen to know how Iasi became an  
17 Amazon?

18 A. Yes.

19 Q. How?

20 A. I believe we acquired a company there and  
21 then started hiring additional software engineering  
22 talent in Iasi, so we've kept a small development  
23 center there.

24 Q. Okay. So you wanted to know what was going  
25 on with the Iasi folks and you told him that. Did he

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1 tell you?

2 A. I don't recall, but I did not have a  
3 roadmap at that time.

4 Q. And when you say "a roadmap," a roadmap  
5 would be kind of what a project manager would do,  
6 right? This month we expect to have this and then by  
7 that month we expect to have that, that kind of thing?

8 A. A roadmap would be what are you doing with  
9 the resources that -- what are you delivering by when  
10 with the resources that report to you. You could  
11 choose to have a program manager or a technical  
12 program manager or a product manager build your  
13 roadmap, but as the senior leader, you are expected to  
14 have a roadmap for a two-pizza team working for you.

15 Q. All right. Is that written down, by the  
16 way?

17 A. That you know what your team is doing? I  
18 would have to look at the leveling guide.

19 Q. I mean, you know it's one thing --

20 A. I'm always going to go back to the  
21 leveling guide as if it's written down.

22 Q. Okay. When you say "the leveling guide,"  
23 is that the formal name for the document?

24 A. Yes, it's the Amazon expectations for your  
25 role. So there's what are the expectations of an L7

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1 product manager or L7 or L6 or L4, so for your level  
2 and this role, what are the expectations.

3 Q. And just to be precise, when you use the  
4 phrase leveling guide, is there one central leveling  
5 guide that is made each year that is companywide and  
6 contains a whole lot of different job descriptions?

7 A. There is a set of leveling guides that is  
8 owned by our Amazon HR teams -- I believe, I think  
9 they own it -- that is accessible via the manager tool  
10 kit. So there is a leveling guide for software  
11 engineers. There's a leveling guide for UX or design  
12 job families and they're updated on a -- they're  
13 updated on a regular basis. I don't know when it is.

14 Q. So whether or not it's in the leveling  
15 guide, you expect a senior manager -- and that would be  
16 an L7?

17 A. Yeah.

18 Q. -- to have a roadmap for his or her teams?

19 A. Yes. I would expect a senior manager to  
20 be accountable to know what his teams are doing in  
21 delivery.

22 Q. And why would the manager be accountable  
23 to, say, a technical manager, why would the technical  
24 manager be accountable to a business manager as  
25 compared to his direct supervisor for the roadmap?

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1           A.     We were making -- we were trying to work  
2     out shared goals with other teams through the Selling  
3     Coach program that would depend on features in  
4     business reports. There were some connected features.  
5     One of the places Selling Coach was exposed, Selling  
6     Coach recommendations, was within the business  
7     reports, and the material number of sellers access  
8     seller recommendations through the business reports.

9           Q.     I want to ask you a question.

10          A.     Furthermore, product management for  
11     business reports wasn't owned and I was -- I had owned  
12     it previously as part of the Selling Coach program, so  
13     it was continuing to develop some product management  
14     questions around business reports.

15          Q.     You're someone who has lived through this.  
16     By some managerial theories, if you want something  
17     done, you put one person in charge of all of the people  
18     who get it done and then that person has the power to  
19     make decisions.

20                 In this particular case, you're responsible for  
21     certain things happening but you're not a supervisor of  
22     Abdullah Haydar, you're a collaborator?

23          A.     Uh-huh.

24          Q.     And he has his own supervisory  
25     responsibilities and subordinate responsibilities to

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1 his superiors. Do you think part of the problem that  
2 happened here was that, that you know, you're feeling  
3 this responsibility for Nudge but you don't get to  
4 direct him to make decisions, it's just collaborative?  
5 Is that part of the problem?

6 A. I don't know if I can comment on my  
7 feelings at the time. No. His description of -- he  
8 doesn't report to me. Marketplace is a matrixed  
9 organization that runs the programs and teams, and so  
10 the visibility to someone's roadmap enables -- as a  
11 key enabler to team, product teams not just business  
12 teams but product teams who are defining that  
13 technology product being able to participate,  
14 contribute and direct. In order for a matrix to work  
15 you need transparency.

16 Q. And the first instance that you can think  
17 of of Abdullah not giving you a roadmap or transparency  
18 is early '14 concerning the two-pizza team in Iasi,  
19 correct?

20 A. There were multiple. As I say, it's in --  
21 you know, there's a summary that I produced which has  
22 all of it. What I think of today, yes, is the first  
23 one is visibility to the roadmap for Selling Coach and  
24 Iasi.

25 Q. What's the next one that you can think of?

1           A.     The next one is we have a three-year plan  
2     process. I did not receive a three-year plan document  
3     for the architecture of Selling Coach. In 2013, 2014,  
4     we were encountering critical growth changes to our  
5     software architecture, and as the leader of that  
6     architecture I was looking to Abdullah to identify and  
7     define where that architecture was going to go using  
8     the Marketplace three-year plan process.

9           Q.     And you were frustrated that he didn't give  
10    that to you at a certain period of time that you  
11    expected it?

12          A.     I was disappointed that we did not get  
13    that three-year plan document ahead of the Marketplace  
14    three-year plan meeting.

15          Q.     He hadn't worked with you before, how was  
16    he to know that he was supposed to do that?

17          A.     On multiple occasions we had discussed my  
18    expectations for Abdullah and had made these requests  
19    certainly as early as May, if not earlier because I  
20    saw documents from the case yesterday describing May,  
21    exchanges in May about whether this was going to be  
22    complete or not.

23          Q.     Did you ever -- I mean, you were in Seattle  
24    and he was in Detroit, right?

25          A.     Yes.

1 Q. Did you ever go out to Detroit?

2 A. Yes. I'm from Michigan.

3 Q. I'm sorry?

4 A. I'm from Michigan.

5 Q. Yes, okay. So did you ever have lunch with  
6 Abdullah and try to just iron it all out just as two  
7 people who work for Amazon trying to get things done?

8 A. I don't know if we did that in Detroit.  
9 We did have discussions in Seattle.

10 Q. Did you ever go out for meals or get out of  
11 the office, something?

12 A. I think we did most of our one-on-ones in  
13 my office.

14 Q. And a one-on-one is just a meeting of two  
15 people?

16 A. Yes.

17 Q. Do you find the language of Amazon helpful  
18 because it produces a culture with a shared set of  
19 expectations or do you find it a barrier or do you find  
20 it both?

21 A. I think it can be both.

22 Q. So how did you find Abdullah  
23 interpersonally one on one with you when you were  
24 talking about trying to solve these problems?

25 A. Two ways: First off, Abdullah is very

1 affable. You know, he is a friendly guy, right.

2 Secondly, when bringing problems to his  
3 attention, there's a common thread of deflecting first  
4 or trying to explain versus owning a problem.

5 Q. And you found that frustrating or typical  
6 or unusual or something to be overcome? How did you  
7 find that?

8 A. It impacts trust. I need to -- you know,  
9 this is my primary partner to deliver technology of  
10 significant growth goals. We are building double  
11 digit percent growth on a large business and so I need  
12 to be able to count on delivery on a date and time and  
13 if there's a problem, I need to be able to count on  
14 the persons responsible for the area to own and fix  
15 and take responsibility for the problem. So over time  
16 it impacts trust.

17 Q. Was there a point in time where you felt, I  
18 can't work with this guy anymore?

19 A. There was certainly a point in time where  
20 I felt that I couldn't work with him as the  
21 single-threaded leader.

22 Q. I'm sorry; the what?

23 A. As you said earlier, you put one person in  
24 charge. There was definitely a point in time where I  
25 felt I could not count on Abdullah for transparency



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1 and for sticking to commitments and that I would have  
2 to engage with his leadership chain.

3 Q. And when was that?

4 A. As we were coming into -- it was as late  
5 as coming into OP1 2015, but I started to have  
6 questions earlier.

7 Q. Well, when was --

8 A. As early as coming into December 2014 is  
9 probably the first kind of significant, particularly  
10 significant issue. There were a few others earlier in  
11 October, October to March period is full of a number  
12 of events, so...

13 Q. Well, let's go through them --

14 A. Sure.

15 Q. -- because it sounds like you studied up.  
16 So I want to hear them.

17 A. You know, as you notice I studied German,  
18 I have a good memory.

19 (Off the record conversation in German.)

20 BY MR. NACHT:

21 Q. October?

22 A. October. So as part of OP1 directors and  
23 VPs will make team adjustments. One of the  
24 adjustments they made was they moved the business  
25 reports team in Romania to a different leader and

1 moved two of the machine learning people who were  
2 based in Seattle out from under Abdullah. So Abdullah  
3 moved some people and there was backlash from both of  
4 those moves.

5 Q. What do you mean by "backlash"?

6 A. There was a lot of challenge and  
7 questioning about -- just a hot number of questions  
8 challenging why this happened and to some degree  
9 directed at me.

10 Q. Well, you took two people off of Abdullah's  
11 team?

12 A. That's not quite true. Two people were  
13 given to me from Abdullah's team.

14 Q. Two people were given to you from  
15 Abdullah's team with -- and it formally went through  
16 before Abdullah was informed, right?

17 A. I don't know. That's obviously Avi  
18 Saxena's choice and Joel Mosby's choice of how they  
19 choose to allocate their people, and I don't think  
20 they need Abdullah's approval to move people from  
21 Abdullah's team.

22 Q. Has anyone ever done that to you?

23 A. Yes, I've both been given teams and had  
24 teams taken away.

25 Q. Without being told in advance?

1 A. Yes.

2 Q. How does it feel?

3 A. That there is a challenge that will need  
4 to be addressed. Sometimes it feels relief. I don't  
5 have to worry about that anymore.

6 MR. NACHT: Let's make this 1.

7 (Exhibit No. 1 marked  
8 for identification.)

9 BY MR. NACHT:

10 Q. I've handed you Bates stamp 1345 and 1346.  
11 This is an e-mail chain. If we start on 1346 it looks  
12 like a notification of a change submitted by Mosby to  
13 move Carsten Locke from Abdullah to you and then we  
14 have an e-mail from Abdullah to you cc'ing Mosby, then  
15 a response from you to Abdullah cc'ing Mosby and then  
16 Mosby responding to you and Abdullah, and Abdullah  
17 responding.

18 Did I get that right?

19 A. I think that's the order if I followed it  
20 correctly.

21 Q. Okay. You had previously had discussions  
22 with Mosby about the Carsten Locke move?

23 A. Joel was -- as part of the realignment  
24 coming out of OP1, Joel was getting a new role, and so  
25 we may have discussed what he was doing with the ML

1 people on his team.

2 Q. ML stands for...?

3 A. Machine learning.

4 Q. Okay. And part of this move was  
5 intentionally to strip Abdullah of certain assets  
6 because he was losing your trust, right? Isn't that  
7 what you just said?

8 A. No. What I just said and the same thing  
9 it says here is that people were moved from Abdullah  
10 by Joel and by Avi, and as it says here and as I said  
11 previously, I had a large analytics team that are  
12 responsible for the algorithms driving Selling Coach.  
13 So to put two machine learning, which is algorithms  
14 and data signs, connect them with those teams would  
15 make sense.

16 It's also interesting to me in this e-mail that  
17 Abdullah is -- to give a previous example, Abdullah is  
18 exposing that he was starting to build a strategy  
19 and had not previously -- about analytics, and this  
20 e-mail seems to say he hadn't previously discussed it.

21 Q. Are you referring to the 10/16 e-mail?

22 A. The e-mail on 10/15 says, "I had a  
23 specific strategy I was executing for MML." It would  
24 be particularly interesting that we wouldn't have  
25 discussed it given this timing in December because

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1 that's when we're going from OP1 when we made our  
2 strategy from 2016 -- or excuse me, 2015 and we're now  
3 making the actual monthly detailed plans for every  
4 resource on the team. So to introduce a strategy that  
5 hadn't been talked about with the analytics and  
6 product leadership on the 15th of December doesn't  
7 quite make sense.

8 I totally get it's frustrating and  
9 disappointing to have people on your team that you're  
10 thinking about be moved on you.

11 Q. So you understood and even empathized a bit  
12 with his frustration about losing people?

13 A. Sure.

14 Q. And so the fact that he was upset about it  
15 doesn't strike you as unusual or unprofessional or a  
16 problem, he lost?

17 A. I don't know if I'd describe he lost. He  
18 lost some people from his team, you know, and so that  
19 can make you frustrated.

20 Q. But, I mean, is my characterization fair?  
21 It sounds like you've had something similar?

22 A. I've definitely had teams moved on me and  
23 taken from out of my control.

24 Q. And you've expressed concern?

25 A. Not usually.

1 Q. Okay.

2 A. Usually my concern is, you know, not about  
3 I was going to do this and can't do it now, it's do we  
4 have -- have we made the transition clear? Do we have  
5 a clear transition path? If the decision is made, it  
6 may be time to disagree and commit.

7 Q. And one has to know when to stop showing  
8 backbone and when to disagree and commit, correct?

9 A. One has to know when a decision is made,  
10 is it time for disagree and commit.

11 Q. And --

12 A. I'm not sure I would use backbone in that  
13 context.

14 Q. Well, I just pick it obviously because it's  
15 from the same leadership principle.

16 A. It can be, yeah.

17 Q. And so how does one know?

18 A. In this case the decision had been made by  
19 the person he reported to.

20 Q. And he was simply asking about -- I mean,  
21 is there anything in this that strikes you as  
22 unreasonable or unprofessional in the way he handled  
23 this?

24 A. This combined with the other e-mails that  
25 were occurring about the process issues and making --

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1 at the same time frame and making the Selling Coach  
2 OP1 does make some of the wording: I would appreciate  
3 some notice before moving forward on reporting change,  
4 you know, as a matter of a heads-up. You know, I had  
5 no idea what conflicts with whatever plan is moving  
6 forward. You know, it's -- you can say -- you can  
7 say, "Lasagna for dinner tonight" and make your wife  
8 ecstatic or make your wife really pissed off, right?  
9 Tone matters. So I would assert there's some words in  
10 here about tone.

11 Q. So Abdullah didn't give you sufficient  
12 heads-up about things that were important to you, and  
13 here he didn't get a heads-up about something important  
14 to him. What's the difference?

15 A. On the first one it's not about what was  
16 important to me, it was about goal commitments we're  
17 making as part of our OP1 and OP2 processes with  
18 additional customers. Here it's about a strategy he  
19 had not disclosed to anyone and was about final  
20 decisions that were not completely within his  
21 responsibility.

22 Q. Do you think one can be tone deaf? To use  
23 your metaphor when you say tone matters, not the whole  
24 metaphor about the lasagna and so forth, but --

25 A. I've gotten in trouble asking my wife if

1 we're having lasagna tonight.

2 Q. So the point that you're making is when you  
3 read this e-mail, you read it as I'm frustrated with  
4 you and I'm expressing that frustration, I've been -- I  
5 feel like the rug is being pulled out from underneath  
6 me, not -- what kind of tone would you have  
7 appreciated? How would he have communicated the same  
8 substance of these words in a different tone?

9 A. I could probably take some time and reedit  
10 the e-mail. I think the things that stick out for me  
11 are the things that look somewhat demanding.

12 Q. Like what? I'd like to know exactly --

13 A. I would appreciate --

14 Q. Just because ultimately Abdullah's response  
15 to this transfer was pointed at in late '14 as a big  
16 deal in his performance review, how he handled this.  
17 And so it was -- it's been argued that this was  
18 essentially a straw that broke the camel's back, a very  
19 big deal in his career and so whether that's true or  
20 not true, counsel is stating -- about to object that  
21 I'm misstating the record or something.

22 MR. WOLFF: You got the wrong transfer.

23 MR. NACHT: I got the wrong transfer, okay.

24 MR. WOLFF: I think.

25 BY MR. NACHT:



1 Q. Well, anyway, I'd like to know --

2 A. This transfer was one of a trust -- was  
3 one of multiple actions, you asked that's how we  
4 started this conversation.

5 Q. Right.

6 A. -- about things that hurt trust --

7 Q. Yes.

8 A. -- as I have with Abdullah.

9 Q. Okay. But is there anything unprofessional  
10 that you can point to in Exhibit 1?

11 A. I think, you know, unprofessional, no.

12 Q. Okay. What's the most offensive thing that  
13 he did in contrast to any of the leadership principles  
14 or just that rubs you the wrong way that's written down  
15 in any of his e-mails here?

16 A. The two things that I pointed out  
17 previously.

18 Q. Okay.

19 A. We've now been working together for a year  
20 and there's this demand, "I would appreciate some  
21 notice before going forward with the change" and the  
22 comment about a strategy which again, the biggest  
23 thing of trust-building was actually executing against  
24 our OP1 plan or sorry making -- going from OP1 to OP2  
25 which is occurring in the same time frame.

1 Q. All right. What's the next thing -- I  
2 mean, this was -- this was December '14. You had  
3 mentioned back in October. Is there anything prior to  
4 December '14 that you can remember as you sit here  
5 today that Abdullah did to lose your trust?

6 A. Again, I'd have to go back to the full  
7 summary that I previously sent.

8 As we came through the OP1 process, there was  
9 quite a bit of discussion between the business team  
10 and my team and what the balance of resource spend was  
11 going to be between program or we classify our  
12 resource spend into things we have to do to keep the  
13 machine running. Things we want to do to improve our  
14 infrastructure engineering excellence and things we  
15 want to do to drive customers features and revenue.

16 There's quite a bit of discussion on the  
17 balance between those three things as well as who --  
18 which partners we would engage with and how we would  
19 be engaging with partners.

20 Q. Okay.

21 A. What was gaining trust is, you know,  
22 Abdullah we would have discussions and either be  
23 challenging to those discussions versus coming to a  
24 collaborative or an agreement, helping to drive toward  
25 agreement and then when we came into December, there

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1 were changes made to the roadmap that impact the  
2 resource spend after we had agreed that those changes  
3 would go through Mat.

4 Q. Go through...?

5 A. Mat Philipsen because our customer  
6 requests to Selling Coach had this process we had been  
7 using for years, had been to have those requests  
8 prioritized by the platform product manager.

9 Q. And is that Mat Philipsen --

10 A. Yes.

11 Q. -- the platform product manager?

12 A. Yes.

13 Q. And so Abdullah bypassed that process?

14 A. Yes.

15 Q. Okay. And first of all, how do you know he  
16 was aware of that process for deviating from the -- is  
17 it from the op plan?

18 A. From our OP2 plan, yes.

19 Q. From your OP2 plan. Right. So in other  
20 words, it sounds like Abdullah in his head is making a  
21 tradeoff to use the language you were using earlier --

22 A. Uh-huh.

23 Q. -- and you're frustrated or upset that he's  
24 not going through Mat Philipsen because in the past  
25 people would do that. How is he supposed to know he's

1 supposed to do that? Let's start with that.

2 A. That's a very loose description the way  
3 you described it.

4 Q. Okay.

5 A. So again, we literally spent multiple  
6 hours, that is the majority of our time starting in  
7 early August to build a prioritized work list based on  
8 the expected return on investment and improvements in  
9 the metrics we talked about earlier.

10 The principal product manager or platform  
11 product manager would talk to literally dozens of  
12 customers because the Nudge platform is used by other  
13 teams to build nudges, not all nudges were owned by my  
14 Selling Coach team though they might be operated. So  
15 the FBA team, for example, might build a nudge or  
16 might own a nudge but my team would build it for them,  
17 right, my analytics team.

18 So starting in August and September we've had  
19 multiple meetings and brought the prioritized list out  
20 to Detroit. Most of the interaction for that -- for  
21 the previous year with the customers such as FBA or  
22 lending or other teams. So if Abdullah wasn't --  
23 didn't observe that this is at minimum the observation  
24 would be, you've clearly talked to all these partners,  
25 versus being told this is the process, Mat is also a

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1 pretty structured guy and I would not be surprised if  
2 he had a document that outlined this is how we're  
3 going to run OP1 this year. He's had one in the past.

4 So the second part is there's e-mail threads  
5 and SharePoint where Abdullah is not just making  
6 trade-offs because this is an OP1 plan, this isn't the  
7 managing of work, this is the definition of work and  
8 we're defining our commitments. So there are  
9 SharePoint records of changes being made on which  
10 projects were above and below the line in the  
11 SharePoint by Abdullah.

12 Q. And that happened in the final quarter of  
13 2014?

14 A. Yes.

15 Q. All right. Did you pick up the phone or  
16 Facetime or something to interact with Abdullah about  
17 this and say, What are you doing Abdullah?

18 A. Yes.

19 Q. And how did he respond?

20 A. He deflected and said he was just doing  
21 his job, that he owned the roadmap. So finally we got  
22 to an agreement that no, we had -- he acknowledged we  
23 did have a process and that he would follow that  
24 process going forward.

25 Q. But then you believe he did not?

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1 A. No, he did not. According to the e-mail  
2 records that I saw on the 19th of December, he did  
3 not.

4 Q. What did he do on the 19th of December?

5 A. He continued to -- he continued to --  
6 continued to make an agreement with the listing  
7 quality team including their product manager and their  
8 tech manager to include work for them in our 2015  
9 roadmap despite having previously agreed on it.

10 Q. So he --

11 A. So now I have --

12 Q. He has a deal with you that he's going to  
13 follow a process and you understand that process is  
14 that he's not simply going to make a separate agreement  
15 to provide work to, for instance, the listing quality  
16 team?

17 A. Correct.

18 Q. And there he did that?

19 A. Yes.

20 MR. NACHT: Let's take a break.

21 (Recess 1:32-1:55.)

22

23 EXAMINATION (Continuing)

24 BY MR. NACHT:

25 Q. The other transfer besides Carsten was

1 Rich, right?

2 A. Yes.

3 Q. And Rich what?

4 A. I don't remember.

5 Q. Okay.

6 A. Carsten Locke and Rich. I'd have to look  
7 it up.

8 Q. And Carsten and Rich, how long did they  
9 last on your team?

10 A. Approximately eight months to a year.

11 Q. And they both asked for a transfer?

12 A. Yes.

13 Q. Do you know why?

14 A. No.

15 Q. Do you know who a guy named Koppelman is?

16 A. Yes.

17 Q. Who is Koppelman?

18 A. Josh Koppelman is a director in the  
19 Marketplace leadership team.

20 Q. And Joel Mosby actually went to human  
21 resources about putting Abdullah on a performance  
22 improvement plan because of the issue you were  
23 discussing about this listing quality team issue.

24 Do you know what role Koppelman had played in  
25 that?

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1 MR. WOLFF: Objection. Foundation. If you  
2 know.

3 BY MR. NACHT:

4 Q. So according to Haydar, Koppelman ordered  
5 him as part of his budgeting process to improve the  
6 listing quality team in his plan. He was ordered to do  
7 it by Koppelman and Haydar says he told you that.

8 Do you have any recollection of that?

9 A. No.

10 Q. And then Koppelman took it back and said, I  
11 shouldn't have told you to do that.

12 You've got no recollection of hearing any of  
13 this from Haydar?

14 A. Not this version.

15 Q. Okay. What -- what role, if any, are you  
16 aware of Koppelman playing in that listing quality team  
17 situation?

18 A. Part of -- so Josh Koppelman runs the  
19 overall team sizing and team to program mapping,  
20 right, so listing quality is a program. There's no  
21 listing quality tech team per se. There may have been  
22 but that, I don't think there was that year, so that  
23 program would go get work commitments from different  
24 tech teams, right, and Koppelman ran the budgeting and  
25 tracking to say, great, we've made an investment in



1 listing quality of X based on all the different work  
2 commitments, but so Josh Koppelman ran the SharePoint  
3 for the project management office that did that  
4 mapping. As part of his published process we had  
5 talked about why it was different where his published  
6 process --

7 Q. "His" meaning Koppelman?

8 A. Koppelman. -- the published process would  
9 talk about the dev manager doing the entries for above  
10 and below the line. And we had -- our process was  
11 Selling Coach with partners predated that process, so  
12 part of our discussion was Abdullah saying Koppelman  
13 is saying I have to do above the below the line and  
14 we're saying no, our platform product manager will  
15 take care of that. That's the conversation about  
16 Koppelman that I remember.

17 Q. So in other words, even under your own  
18 account Koppelman was giving contrary instructions to  
19 Abdullah from your instructions, right?

20 A. Koppelman was publishing a standard  
21 expectation for who -- for which person would put  
22 input in. I don't know if he gave a specific  
23 instruction to Abdullah directly or not.

24 Q. But that standard was contrary to your  
25 preference or direction or agreement, whatever word you

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1 feel most comfortable using, with Abdullah, right?

2 A. It was definitely different than our  
3 agreed process, yes.

4 Q. And Koppelman is above Abdullah in the  
5 hierarchy, correct?

6 A. Koppelman is an L8 on a different team.  
7 Joel does not report to Koppelman so...

8 Q. Abdullah didn't report to Koppelman?

9 A. Sorry. Yes, Abdullah nor Joel report to  
10 Koppelman.

11 Q. Okay. But he's an L8. You're also an L8  
12 at the time?

13 A. Uh-huh.

14 Q. Yes?

15 A. Yes.

16 Q. You said "uh-huh."

17 A. Yes, I'm fine to be clear. That's a good  
18 habit. I'm trying to train my children the same way.

19 Q. What is the PMO across?

20 A. The PMO across, it's the Marketplace  
21 project management office.

22 Q. Okay. And that's where Koppelman was?

23 A. Yes.

24 Q. Did he run that?

25 A. It is part of his responsibilities, yes.

1 Q. Okay. And Abdullah's direct report was to  
2 Gaw, right?

3 A. Yes. At that point, yes.

4 Q. He was shifting first from -- he was  
5 shifting from Mosby to Gaw in the end of 2014, correct?

6 A. That's correct.

7 Q. And part of Abdullah's job is to fit in  
8 with this matrix organization, right?

9 A. Yes.

10 Q. It's not just to report to his immediate  
11 superior, correct?

12 A. Correct.

13 Q. And the matrix organization, why don't you  
14 define that for me because it's your term?

15 A. Sure. So again, as I've said. You have  
16 business programs that are delivering business value  
17 and they include dependencies on work from tech teams.

18 Q. Okay. Is there anything else that the name  
19 matrix --

20 A. That's all I'm referring to at this point.

21 Q. Okay. And you know, with the jury and the  
22 judge may be more familiar with a strict hierarchical  
23 managerial model where someone has a boss who has a  
24 boss who has a boss, but what you're describing is  
25 people having to work cooperatively and collaboratively

1 to some different bosses and with peer teams in order  
2 to accomplish common goals, correct?

3 A. Yes.

4 Q. And one of those common goals is to make  
5 sure that programs or teams which are not completely  
6 attached under one manager get successfully completed,  
7 right?

8 A. I'm not sure I follow that.

9 Q. Everybody is responsible for helping get  
10 accomplished what's in the OP1 and OP2?

11 A. No.

12 Q. Okay. Everyone is responsible for what  
13 they're told they're responsible for in the OP1 and  
14 OP2?

15 A. Everyone is responsible for the goal  
16 commitments that belong in their area, whether that's  
17 their tech team or their program teams that were  
18 committed in the OP1 and OP2.

19 Q. And you were a manager in Marketplace  
20 before and since Abdullah, correct?

21 A. Yes.

22 Q. And one of the things you were held  
23 responsible for was honoring budgetary commitments,  
24 correct?

25 A. Yes.

1 Q. And budgetary commitments aren't completely  
2 set by you, they are set by the organization and you  
3 play a role in contributing to that conversation,  
4 right?

5 A. They're finalized by the organization,  
6 yes.

7 Q. And Koppelman had authority for setting  
8 some budgetary responsibilities for the listing quality  
9 team, right?

10 A. I don't believe so.

11 Q. Koppelman didn't have the authority to tell  
12 Abdullah how to allocate his resources?

13 A. Not to my knowledge.

14 Q. And if Koppelman did tell Abdullah to do  
15 something and Abdullah didn't think or if he set  
16 standards and Abdullah thought he had to follow those  
17 standards, I mean, why is that Abdullah just breaking a  
18 commitment with you as compared to trying to figure out  
19 how to follow the organizational dictates?

20 A. Based on what you said, that's his  
21 responsibility to meet his OP1 responsibilities and  
22 OP1 commitments. We had an OP1 commitment for flat  
23 head count year over year from Selling Coach. By  
24 making a change to listing quality, at which is his  
25 largest investment in the primary funder of his team,

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1 by making a change to listing quality without checking  
2 with me or without -- because he's changing a  
3 commitment that was finalized by the organization or  
4 without checking with his boss to my knowledge,  
5 Abdullah was operating without -- to some other person  
6 that he doesn't report to and without making his other  
7 customers aware that he's changing the OP1.

8 As I said previously, we also had agreed on  
9 what our process would be for above below-the-line  
10 changes within Selling Coach.

11 Q. What was the next thing you can think of  
12 that Abdullah Haydar did which contributed to your  
13 assessment that he had lost trust with you?

14 A. The -- well, one of the things to go back,  
15 there were definitely some questions, we already  
16 talked about some of the machine learning people. We  
17 didn't talk about the questions and the challenges of  
18 why were we moving business reports to Priya.

19 Q. I'm sorry; to what?

20 A. To Priya who's a different director. So  
21 the Romanian team was moved and there were a lot of  
22 challenges or questions around that. Also, at the --

23 Q. So wait. Let's just sort of get that in.

24 A. Sure.

25 Q. So you're saying you took the Romanian team

1 away from Abdullah and gave it to Priya or someone else  
2 did that?

3 A. Avi Saxena did that.

4 Q. Avi Saxena did that. Under your advice?

5 A. I don't think I was consulted.

6 Q. Okay.

7 A. I don't remember. I would have advised  
8 it.

9 Q. And why?

10 A. Again, we mentioned the three-year plan  
11 process for Marketplace.

12 Q. Yes.

13 A. Priya had authored a three-year plan for a  
14 reports, a new next generation of reports called  
15 seller data kiosk. Sebastian Gunningham, the SVP, had  
16 asked for a plan for that to be included in OP1.  
17 Priya wrote the section for business reports, I  
18 believe, and -- sorry, for seller data kiosk in OP1.

19 So if we're going to a next generation of  
20 seller data sharing, it would be logical to  
21 consolidate the reporting teams. Priya owned some of  
22 the other more heavily used reports already and so it  
23 would make sense to consolidate the reports teams.

24 Q. Okay. So Abdullah --

25 A. I had consulted on it. My involvement was

1 I had consulted on that plan with Priya.

2 Q. Okay. So Romania is moved from Abdullah to  
3 Priya and why -- why does this affect your assessment  
4 of Abdullah?

5 A. We spent several sessions talking about it  
6 instead of focusing on what we still -- what the  
7 commitments we had in front of us Selling Coach.

8 Second of all, it was an example of by not  
9 having a three-year plan for our architecture in the  
10 June time frame, we did not have an input to present  
11 something during the Marketplace three-year plan, and  
12 also as I mentioned, we had some friction on the  
13 balance between program and engineering. One of the  
14 ways that we would arbitrate or prioritize would be  
15 how much of our three-year engineering three-year plan  
16 are we committing to in OP1. So by not having that  
17 plan, we didn't have the mechanisms to drive  
18 priorities which is a trust issue.

19 Q. Now, Abdullah came on board at the end of  
20 '13, beginning of '14 to run the Nudge technical team?

21 A. Yes.

22 Q. And so he inherited a three-year plan from  
23 Joel Mosby?

24 A. I don't know if he inherited a three-year  
25 plan from Joel and Alex.



1 Q. Did you look at Joel Mosby's three-year  
2 plan for Nudge technical team?

3 A. No, but I believe if I remember from the  
4 documents produced for this case, you know, I sent a  
5 note to -- I sent a note to Abdullah very early in Q1  
6 of '14 and had discussed the need for a three-year  
7 plan for the technology before he took the job.

8 Q. Now, Joel got promoted, right?

9 A. Yes.

10 Q. And you supported that, right?

11 A. I don't remember if I was asked for  
12 feedback or not. I write a lot of feedback.

13 Q. You've given him positive feedback?

14 A. I've given him positive and negative  
15 feedback.

16 Q. On the balance you gave him positive  
17 feedback?

18 A. I support his promotion.

19 Q. Okay. In supporting his promotion, you  
20 didn't care that he hadn't submitted a three-year plan,  
21 did you?

22 A. That's not what I said.

23 Q. Okay.

24 A. I said I gave him balanced feedback and  
25 if -- if he hadn't submitted a three-year plan or his

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1 team hadn't, I may have noted it as a miss.

2 Q. Did you have a roadmap for Romania when  
3 Joel was running Nudge technical team?

4 A. We had a roadmap for Romania when Alex was  
5 running the business reports for Romania.

6 Q. And --

7 A. Alex was the direct manager under Joel.

8 Q. And why didn't Mosby update it?

9 A. I don't know. You'd have to ask Joel.

10 Q. But he was -- he was head of Nudge  
11 technical before Abdullah, right?

12 A. He was the senior manager.

13 Q. So realtime Nudge software was not  
14 completed when Joel Mosby was the technical manager.

15 A. Okay.

16 Q. It was completed when Abdullah Haydar was  
17 the technical head of Nudge.

18 A. Okay.

19 Q. That's a significant actual accomplishment  
20 that affects gross sales of Nudge, right?

21 A. There's a couple parts of that. Actually,  
22 no, realtime nudge -- realtime nudges, realtime  
23 pricing nudges in particular were actually a loser.  
24 They actually created negative attributed GMS.

25 Q. Oh? Why?

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1           A.     Because we're actively telling people that  
2     other people have lower prices and so they go lower  
3     the price further. So additional sales are typically  
4     going to be at a lower price than what the previous  
5     prices were. So our methodology for attributing GMS  
6     to the action would capture that as a negative GMS.

7           Q.     On the other hand --

8           A.     We made prices more competitive.

9           Q.     And therefore customers are presumably  
10    happier and spend more time on the site and buy more  
11    product, right?

12          A.     Amazon does want to have competitive  
13    prices, yes.

14          Q.     And you have a more efficient Marketplace  
15    which you believe efficiency in the Marketplace  
16    combined with positive customer service and ease of  
17    customer use is what's behind this tremendous  
18    expansion, right?

19          A.     Yes. However, again, you said there were  
20    two things. One, you know, you said realtime pricing  
21    was not delivered under Joel. It wasn't prioritized  
22    to be delivered under Joel. No one asked Joel to  
23    deliver realtime pricing, to my knowledge. You have  
24    to check --

25          Q.     It was under --

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1 A. We'd have to check the roadmap.

2 Q. It was under the 2013 goals that were not  
3 complete, right? You don't dispute that?

4 A. I haven't looked at the 2013 goals, so...

5 Q. So you don't dispute that you based on what  
6 you know now today?

7 A. I'd have to look at the 2013 goals so I  
8 don't dispute it.

9 Q. Okay.

10 A. The second part is I would also assume  
11 that the pricing team under Priya, you know, delivered  
12 and contributed to delivery of pricing software  
13 including realtime pricing nudges. It depended on  
14 other software.

15 Q. Sure. Everybody depends upon everybody  
16 else in this matrix thing.

17 Okay. What's the next thing Abdullah did that  
18 made you believe that he was not someone who you could  
19 have trust in?

20 A. So I don't have a future architect  
21 revision solving the growth problems. I have -- which  
22 caused tradeoff issues during our OP1.

23 Q. And you didn't -- again, you didn't have  
24 that from Joel either, right?

25 A. The -- I would have to go back on the

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1 architecture deep dive because I'm sure -- since Alex  
2 reported to me at one -- before he reported to Joel,  
3 we did previously have a certainly defined roadmap.  
4 Also, we were coming from 2009 to 2012 is a  
5 three-year, right. Also our three-year plans are  
6 something we typically update every year.

7 The -- so we didn't have the input coming into  
8 OP1, 2014. We then had --

9 Q. Well, what about 2013?

10 A. -- transitions into --

11 Q. That's the first year of a new cycle. You  
12 said '9 to '12?

13 A. I said I didn't know if I had a plan or  
14 not.

15 Q. Okay.

16 A. I'm more deep dive, the inputs we need to  
17 drive a prioritization between engineering excellence  
18 and the program.

19 The growth in architecture changes in 2014 was  
20 also pretty significant. The -- we talked about the  
21 October issues around people movement. We then talked  
22 about the roadmap issues in December.

23 Q. And we had a nice break. I gave you like  
24 15 minutes. Were you able to review your document with  
25 your summary, your list?

1 A. No, I did not review the document.

2 Q. Okay. All right.

3 A. And then, you know, Abdullah and I met in  
4 January about that and he acknowledged both in  
5 December that he had not provided a three-year plan or  
6 deep dive vision to me earlier in the year.

7 Q. So he was being vocally self-critical on  
8 that?

9 A. I don't know if he was being vocally  
10 self-critical or just acknowledging that he hadn't  
11 provided it. He also said that he did -- Here's what  
12 I did do and the work I did do and here's, you know,  
13 what I typed up. So he also -- I wouldn't call it  
14 vocally self-critical.

15 Q. Would you call it being honest?

16 A. I would call it, you know, Here, I'm  
17 trying to show you that I did something.

18 Q. Okay. So you're saying he did do something  
19 but he was communicating it late?

20 A. He said he did something, and the e-mails  
21 connected in the case somewhere. He said he did  
22 something. He said, "It's not good enough." He says,  
23 "Looking at it now it's clearly a draft. It's late.  
24 I didn't share it with you. I shared it with my boss  
25 but not with you."

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1           So -- but here it is. More importantly, we're  
2       trying to make commitments to a set of 2015 goals and  
3       I have someone who's going back and forth on whether  
4       or not he's been deceptive intentionally or  
5       unintentionally.

6           Q.    I'm asking about specifics with the -- any  
7       other specifics you can come up with as you sit here  
8       today?

9           A.    Right now the highlights I've called out,  
10      the --

11          Q.    Okay.

12          A.    -- transition of people, the lack of a  
13      three-year plan, the roadmap transparency.

14          Q.    I want to show you what we'll -- we'll just  
15      make all of these one.

16          A.    Sure.

17          Q.    These are your performance reviews from  
18      2012, 2013, 2014, 2015 --

19               MR. WOLFF: My copy.

20               MR. NACHT: Actually, we're just going to --  
21      I'm not sure I've got them. I'm not going to ask him  
22      about them. I just want to get them as exhibits. I just  
23      want to make sure.

24      BY MR. NACHT:

25          Q.    Are those your performance reviews, sir?

1 A. Yes.

2 Q. Okay.

3 MR. WOLFF: Well, take a look. Make sure.

4 THE WITNESS: I see my name on the top of  
5 them.

6 MR. WOLFF: Close enough for government work.

7 THE WITNESS: This is what a performance  
8 review would look like.

9 MR. NACHT: Okay. The collection of --

10 MR. WOLFF: It would be 2.

11 MR. NACHT: -- performance reviews shall be  
12 Haney Exhibit 2.

13 (Exhibit No. 2 marked  
14 for identification.)

15 BY MR. NACHT:

16 Q. You love working for Amazon, right?

17 A. I enjoy working for Amazon.

18 Q. You've done well at Amazon, right?

19 A. It's been a privilege to be at Amazon,  
20 yes.

21 Q. And you don't have a beef with your  
22 performance reviews, do you?

23 A. I think performance reviews, you know, are  
24 a process that we go through every year.

25 Q. And you don't have substantial objections



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1 to any of these four performance reviews, do you?

2 A. I don't have substantial objections, no.

3 Q. Okay.

4 MR. NACHT: You're not going to object,  
5 Counsel, to us getting his compensation, right?

6 MR. WOLFF: I am going to object. If the  
7 court tells us to give it, I'll give it.

8 MR. NACHT: At this moment you are directing  
9 him not to tell us his compensation when you know that  
10 we've identified him as a comparator, really?

11 MR. WOLFF: You can identify whoever you want  
12 as a comparator. He's not a comparator. He's in an  
13 entirely different job family. He's at a different  
14 level. They didn't have peer relationships. They had  
15 internal customer, internal -- no. But if the court says  
16 you get it, we'll give it to you right away, but I am  
17 instructing him not to answer.

18 MR. NACHT: Okay.

19 BY MR. NACHT:

20 Q. So this is your deposition and I want to  
21 give you a chance to fully explain all these reasons  
22 that you believe Abdullah Haydar wasn't good at what he  
23 did such that you took the actions you did, the e-mails  
24 you did, the meetings you did concerning him. So I'd  
25 like you to ask your lawyer to show you whatever

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1 document would help refresh your recollection so at  
2 this deposition you can list all those things. You  
3 said you looked at some document that gave you a list.  
4 I'd like you to look at them because this is your  
5 chance to say whatever you want to say.

6 MR. WOLFF: I'm not going to refresh his  
7 recollection for you. He did not look at a single  
8 document that you guys don't have in your possession.

9 MR. NACHT: Okay.

10 MR. WOLFF: If you want to show it to him, he  
11 can answer questions about them.

12 BY MR. NACHT:

13 Q. And do you believe there's anything which  
14 is important that you reviewed in a document -- you  
15 looked at documents this morning, right?

16 A. No.

17 Q. You looked at documents yesterday?

18 A. Yes.

19 Q. Okay. So these are documents you looked at  
20 yesterday. Is there anything else that you think is  
21 important that you're forgetting about what Abdullah  
22 did that you found problematic?

23 A. I can't think of anything at the moment.

24 Q. Okay. No one is perfect. I think we can  
25 all agree on planet earth no one is perfect, right?

1 A. We all have areas to improve.

2 Q. Okay. And that's true with you as well,  
3 right?

4 A. Yes.

5 Q. And you make good faith efforts to improve  
6 where it makes a difference and you're hearing feedback  
7 about it?

8 A. Yes.

9 Q. And you've had times where you haven't  
10 improved as much as you wish you had, fair?

11 A. Sure.

12 Q. Okay. But you still got a passing grade on  
13 your leadership principles for your annual reviews,  
14 right?

15 A. I got -- I believe in the reviews you  
16 showed me I have a solid strength.

17 Q. Okay. And you feel that was fair, right?

18 A. I think so.

19 (CONFIDENTIAL PORTIONS CONTINUE ON NEXT PAGE.)

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1 (CONFIDENTIAL PORTIONS.)

2 BY MR. NACHT:

3 Q. I'm going to mark this next section of the  
4 deposition as confidential. I'm going to ask you about  
5 some things. You know a woman named Elizabeth Bailey?

6 A. Yes.

7 Q. Okay. And you were mentioned in an EEOC  
8 filing or at least in a lawsuit. You were mentioned in  
9 a lawsuit. There's a line in a lawsuit that she filed.  
10 Did anyone ever show you this complaint where she  
11 mentions your name?

12 A. I spoke with investigators at Amazon about  
13 a complaint from Elizabeth.

14 Q. Okay. Evidently there was some  
15 conversation you had which she objected to where you  
16 went into her office to talk about some product, some  
17 adult sex toy products and that was the subject of her  
18 complaint.

19 Do you have any recollection of this  
20 conversation?

21 A. Yes.

22 Q. Okay. Do you remember what you said?

23 A. I remember roughly what I said, yes.

24 Q. What did you say?

25 A. Elizabeth didn't have an office. She has

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1 a desk -- had a desk in a cube. I believe it was  
2 Abdullah who had sent a note to me saying that a  
3 seller had reported recommendations that -- of adult  
4 products that were conflicting with his views.

5 So I went to look for Elizabeth and her manager  
6 because Elizabeth's job was to own the filtering for  
7 words and other filtering for our recommendations.

8 Q. And just so the record is clear,  
9 essentially the computer algorithm is spitting out a  
10 recommendation that someone might want to buy sex toys  
11 and based upon prior purchases and they were offended  
12 by that, is that the issue?

13 A. Not exactly.

14 Q. Okay.

15 A. The algorithm will -- we have a set of  
16 selection recommendations that will identify products  
17 that have insufficient sellers on Amazon. We would  
18 like to have more sellers selling a given set of  
19 products, right. We'll say, Hey, there's only one  
20 person selling black mugs, maybe all of us should sell  
21 black mugs, right.

22 Q. All right.

23 A. And then we match -- we match those  
24 products based on -- to a set of sellers who we think  
25 have an affinity to either or an ability to source the

1 product.

2 Q. Yeah.

3 A. Or they've sold that product or something  
4 similar to it in the past. We -- our algorithm looks  
5 at, generates those recommendations. So we generated  
6 a recommendation for adult sex toys and sent it to a  
7 seller.

8 Q. That's not a human being did that, the  
9 algorithm did it?

10 A. Yes, but in part of doing that -- so the  
11 algorithm is written by human beings, particularly  
12 Elizabeth. Elizabeth is a statistician and she  
13 developed the code that generated those  
14 recommendations and managed the code. She also  
15 managed the code for filtering recommendations such  
16 as, you know, we want to try to send G recommended  
17 recommendations, G-rated recommendations. So we don't  
18 want to have swear words, racist, you know, issues.  
19 You know, there are products on Amazon that are not  
20 G-rated, right, so we don't necessarily want to e-mail  
21 those out as recommendations, and that's her job to  
22 manage the filter, the filtering capability.

23 Q. Okay. So what did you say?

24 A. So first I had to find them because she  
25 and Mat and Anukul were in an office or were in a

1 meeting room, which was convenient because I needed to  
2 talk to all three of them, and I'm pretty sure I said  
3 something like, We have an escalation from a seller  
4 who's receiving adult sex toys with a misspelling of  
5 common vulgarity words and, you know, then so we need  
6 to get this addressed.

7 Q. And you don't think you used vulgarity?

8 A. I don't think I used vulgarity.

9 Q. Okay. And you don't think you said  
10 anything that was offensive?

11 A. I don't think I said anything that was  
12 offensive, but --

13 Q. And you don't regret -- you don't regret  
14 it? You don't feel you did anything wrong, right?

15 A. No.

16 Q. Okay. And after that happened, how long  
17 before you found out that Elizabeth had objected to the  
18 conduct?

19 A. I don't remember.

20 Q. When is your first recollection of finding  
21 out that Elizabeth had made a complaint or objected to  
22 the conduct?

23 A. When I was questioned about an  
24 investigation.

25 Q. And when was that? 2015?

1 A. I don't know.

2 Q. 2014?

3 A. I don't know.

4 Q. You really -- you can't put a year on it?  
5 I mean, come on.

6 A. I've talked to -- in 2014, in 2015, I  
7 talked to the fed about price fixing. I talked to  
8 EEOC. I really can't.

9 Q. Who did you -- you talked to EEOC about  
10 Elizabeth Bailey only or about someone else too?

11 A. Just Elizabeth Bailey.

12 Q. Okay. And so did Elizabeth Bailey report  
13 to you?

14 A. No. She reported to someone who reported  
15 to me.

16 Q. What did you -- do you remember having a  
17 conversation with Mr. Faricy because, you know, he  
18 provided an affidavit in this. Do you remember having  
19 a conversation with Mr. Faricy about this --

20 A. No.

21 Q. -- about Elizabeth Bailey?

22 A. No.

23 MR. WOLFF: You can answer.

24 BY MR. NACHT:

25 Q. Okay.



1 MR. WOLFF: My look was what he meant by  
2 "this" but then he explained.

3 THE WITNESS: Yeah.

4 BY MR. NACHT:

5 Q. Who at Amazon trained you or educated you  
6 not to retaliate against Elizabeth Bailey for making  
7 the complaint?

8 MR. WOLFF: Objection. Form.

9 BY MR. NACHT:

10 Q. If anyone?

11 A. I go through whatever mandated trainings  
12 that are assigned to me which include harassment  
13 training.

14 (NON-CONFIDENTIAL PORTIONS CONTINUE ON NEXT PAGE.)

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1 BY MR. NACHT:

2 Q. Have you ever been trained on retaliation?

3 A. I assume retaliation is included in the  
4 harassment training.

5 Q. What's the definition as you understand it?

6 A. I'm not comfortable -- retaliation, yeah,  
7 I'm not comfortable giving a definition of  
8 retaliation.

9 Q. Just for, you know, from based on the  
10 trainings you've received, just based on the trainings  
11 you've received, if you're not supposed to retaliate,  
12 what does that mean?

13 A. If someone has, you know, it would be some  
14 sort of punitive action or negative action towards  
15 someone who you've had an either disagreement with or  
16 has had a mistake.

17 Q. In general in Amazon policy, you can't  
18 retaliate against people for engaging in reviews of  
19 people, right?

20 MR. WOLFF: Objection. Form.

21 BY MR. NACHT:

22 Q. I'm not talking about the law or anything.  
23 I'm talking about within the Amazon policy and culture  
24 and...?

25 A. I don't know what you mean by -- you're

1 saying is it acceptable to retaliate in certain  
2 conditions?

3 Q. Is it acceptable to retaliate against  
4 someone because they write reviews? If you wrote a  
5 review of someone, they're not allowed to punish you  
6 for writing that review, are you?

7 A. If I write a review of someone, you know,  
8 I'm at Amazon to deliver value and to create business  
9 capabilities. I'm there to help employees develop and  
10 grow. I'm not there to grind axes or take out  
11 grudges.

12 Q. And therefore is it the policy of Amazon as  
13 you have experienced it, either read it or experienced  
14 it because you've testified today about a lot of things  
15 that are just kind of part of the culture. They may be  
16 written down, they may not be written down, but it's  
17 just how we expect people to behave, running teams and  
18 so forth?

19 A. I've testified certainly there's a  
20 leveling guide and I've testified there are standard  
21 practices in the PMO, and I've testified that we have  
22 processes often documented of how things should be --  
23 of how things are expected to be operated.

24 Q. And sometimes there are inconsistencies,  
25 right?

1 A. We've had exceptions to processes.

2 Q. Right.

3 A. Yeah.

4 Q. Koppelman writes down a policy, you make  
5 clear what you think is a clear agreed upon expectation  
6 or agreement and you say your clear agreement trumps  
7 what Koppelman wrote?

8 A. Sometimes we have policies that are in  
9 conflict and we have to resolve that.

10 Q. And I think that's been true since the  
11 first laws in policies, right? That's why lawyers have  
12 a living, fair?

13 A. Sure.

14 Q. Okay. And that's why managers have a  
15 living in part, not only to get things done but to  
16 figure out which rule do I follow to get this done,  
17 this one or that one, what makes sense at that  
18 particular time, you exercise judgment, fair?

19 A. You exercise judgment within the  
20 frameworks that you have such as you can check, if you  
21 have to -- if you have to make a judgment call, you  
22 have options to validate that judgment call.

23 Q. By the way, we are off -- the confidential  
24 ended at the end of Elizabeth Bailey.

25 A. Okay.

1 Q. So you are allowed to retaliate against  
2 someone who writes a negative review of you or you're  
3 not, I'm asking in Amazon, what's the rule?

4 A. I don't know what the Amazon rule is  
5 precisely.

6 Q. Have you ever done that?

7 A. Why would I retaliate?

8 Q. Have you ever done it?

9 A. Not that I know of. Not that I can  
10 recognize.

11 Q. Were you aware that Abdullah Haydar gave  
12 you a negative review in March of 2015?

13 A. I was not.

14 Q. Okay. You've received some negative  
15 reviews in 360s over the years, right?

16 A. Yes.

17 Q. Is it painful to receive those kinds of  
18 things?

19 A. I do think it's painful.

20 Q. And my father likes to say there are two  
21 things in life, fun things and learning experiences.

22 A. Book of Proverbs says lots of comments  
23 about those kind of things.

24 Q. So you feel like you've been able to grow  
25 as a person by working at Amazon because it's kind of a

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1 tough process and a tough place?

2 A. I do feel I've been able to grow.

3 Q. And would you agree with me it's kind of a  
4 tough process and tough place. I mean, that's how you  
5 accomplish so much, right?

6 A. We do take on tough challenges.

7 Q. And you expect a lot from people, right?

8 A. We do expect a lot from people.

9 Q. And you get a lot from people, right?

10 A. I think people meet those challenges, yes.

11 Q. And there's griping but people really do a  
12 lot. They get a lot done is why it's such a rapidly  
13 growing successful company, fair?

14 A. I think customers -- rapidly growing  
15 because customers appreciate the services we provide.  
16 We're expanding those services.

17 Q. Do you think that you've ever had a problem  
18 earning the trust of others?

19 A. Well, my performance reviews indicate that  
20 both I've said that myself and it's been -- I've been  
21 given feedback that I have mixed reviews on earning  
22 trust well and earning trust not so well for sure.

23 Q. And being vocally self-critical, you've had  
24 more positive feedback over the years on that, but  
25 you've had times when you've been slammed for that,

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1 right?

2 A. I think my reviews are reasonable.

3 Q. Okay. You got a lot done, your objective  
4 performance metrics, you just got a lot accomplished --

5 A. Yes.

6 Q. -- when you were in Marketplace, right?

7 A. I've done a number of things, completed a  
8 lot of deliverables in Marketplace, yes --

9 Q. And maybe you haven't --

10 A. -- and moved, changed business metrics.

11 Q. -- been completely smooth around the edges  
12 but you've accomplished a lot and you have done well  
13 and so why wasn't Abdullah Haydar given that same shot?

14 A. I can't speak to why Abdullah Haydar  
15 wasn't given the same shot.

16 Q. Okay.

17 A. I was not part of his performance, his  
18 performance review.

19 Q. Okay.

20 A. I can tell you the feedback that I gave  
21 and -- which is he has gaps in delivering. He missed  
22 deliverable dates on multiple occasions. He did not  
23 provide the -- not provide the requested documents in  
24 a timely fashion by his own admission which caused  
25 challenges in me being able to count on him to

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1 deliver.

2 Q. Was there ever a time where there is a  
3 particular date where he says, you know, by March 30th,  
4 you will receive this document and then he didn't  
5 deliver it that you can point to as you sit here today?

6 A. Yes.

7 Q. What is it?

8 A. He accepted a three-year plan delivery,  
9 and in May of 2014, he informed me that he had  
10 prioritized other deliverables ahead of the three-year  
11 plan after the fact. He also acknowledged in the  
12 December e-mail that he had not delivered to me even  
13 the draft of the three-year -- of the deep dive and we  
14 moved on from the three-year plan into a technical  
15 deep dive so those are two of the examples. We also  
16 didn't talk, you know, there were other examples of  
17 the Romania team where deliverable dates were missed  
18 that impacted partners, particularly FBA.

19 Q. Sometimes managers make judgment calls in  
20 order to prioritize based upon their obligations. I'm  
21 sure you've done that yourself.

22 A. Okay.

23 Q. And you've been criticized by others over  
24 the years in the performance reviews for putting the  
25 needs of your particular organization within Amazon



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1 ahead of other needs and not being collaborative,  
2 right, you've received that kind of --

3 A. I've seen that statement in a performance  
4 review similar to that effect, yes.

5 Q. On more than one occasion, right?

6 A. Okay.

7 Q. But you've been successful. You made  
8 judgment calls. You got a lot done. What do you think  
9 Abdullah did as you analyze the situation?

10 A. Well --

11 MR. WOLFF: Objection. Form. What do you  
12 think Abdullah did?

13 BY MR. NACHT:

14 Q. Yeah. What do you think he did that got  
15 himself fired? I'm assuming you reject the hypothesis  
16 of the lawsuit, okay. You've seen a copy of the  
17 complaint?

18 A. I have not seen a copy of the complaint.

19 Q. Okay. You're familiar basically with what  
20 the lawsuit is about?

21 A. I am not familiar basically with what the  
22 lawsuit is about.

23 Q. Okay. You haven't been sued, you know  
24 that?

25 A. Correct.

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1 Q. Hey, by the way, do you keep a copy of your  
2 360s?

3 A. I don't see my 360s. I only see the  
4 performance review feedback, any feedback that's  
5 supplied in my performance review.

6 Q. So if it's external to the performance  
7 review but in the 360s, you don't have a copy?

8 A. I only see the feedback through the  
9 performance review process that's provided to me by my  
10 manager in my performance review.

11 Q. And you haven't gotten any 360s in the last  
12 year and a half?

13 A. I only see what's in the performance  
14 review.

15 Q. Do you have any reason to believe that 360s  
16 haven't happened for you in the last year or year and a  
17 half?

18 A. There's been a change in the performance  
19 review process in 20 -- in the spring of 2017 for the  
20 2016-year where the feedback that was provided was  
21 much shorter and focused primarily on what was called  
22 super powers, no joke. It's the first change I  
23 remember in the performance review process in years.

24 Q. And that means that there isn't the logging  
25 of people's opinions about people?

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1 A. I --

2 Q. Have you been asked to give opinions in the  
3 way you used to for 360s?

4 A. No.

5 Q. Do you remember having problems with  
6 Abdullah's tone in an e-mail that we talked about  
7 earlier in the deposition?

8 A. Yes.

9 Q. Can you think of any other person who sent  
10 an e-mail where you disagreed with the tone and you  
11 took it up with that person's boss or HR or...?

12 A. Yes.

13 Q. Who?

14 A. I regularly coach my people when we have  
15 teams in multiple countries to be thoughtful on the  
16 tone they use in an e-mail.

17 Q. Well, it's one thing to give constructive  
18 criticism. It's another for it to be part of a -- an  
19 orchestrated effort to remove someone.

20 And you're not going to disagree that you  
21 participated in that, are you?

22 MR. WOLFF: Objection. Can I hear that  
23 question again, please?

24 ////

25 ////

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1 (Question on Page 105, Lines 17  
2 through 21, read by the  
3 reporter.)

4 MR. WOLFF: Objection.

5 MR. NACHT: He has no objection.

6 (Laughter.)

7 THE WITNESS: You had an objection.

8 MR. WOLFF: Well, okay.

9 BY MR. NACHT:

10 Q. You can answer the question.

11 MR. WOLFF: Well, there were --

12 BY MR. NACHT:

13 Q. The last part of the question.

14 MR. WOLFF: What was the last part of the  
15 question? Either ask him if he was part of an  
16 orchestrated effort or ask him the last part of the  
17 question, but I don't want them getting mixed up.

18 BY MR. NACHT:

19 Q. Were you part of an orchestrated effort to  
20 remove Abdullah Haydar?

21 A. No.

22 Q. Okay. You recognize that data you provided  
23 both verbally and in writing was used as a basis to  
24 remove him?

25 A. I was unaware of that, but that would make

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1 sense. I provided feedback on Abdullah Haydar to his  
2 management and to HR.

3 Q. Okay. When were you informed that Abdullah  
4 was put on a performance improvement plan?

5 A. Garret called me, Garret Gaw made a phone  
6 call to me. I was actually on a walk with my family,  
7 took the call and he asked -- informed me that  
8 Abdullah would be placed on a performance improvement  
9 plan and asked if I would be willing to participate in  
10 an action related to that plan.

11 Q. What was the action?

12 A. If I would be willing to have meetings  
13 with Abdullah to rebuild the trust relationship.

14 Q. And you said?

15 A. Yes.

16 Q. Do you remember any such meetings  
17 occurring?

18 A. We had -- I had a one-on-one.

19 Q. In your office?

20 A. Likely, yes.

21 Q. Do you remember it or not really?

22 A. I don't remember the details. We talked  
23 about a number of things and I think I also suggested  
24 that we discuss two books.

25 Q. What books?

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1           A.     Managing Management Time and Leadership  
2     and Self-Deception. Both are common books I use with  
3     my partner and leadership teams.

4           Q.     Who wrote them?

5           A.     I don't remember who wrote Leadership and  
6     Self-Deception. Managing Management Time was written  
7     by William C. Oncken, O-N-C-K-E-N.

8           Q.     Have you ever had a conversation with  
9     Mr. Faricy about Mr. Haydar?

10          A.     No.

11          Q.     When is the last time you saw Peter Faricy?

12          A.     It's been several months. Well, I bumped  
13     into him in the cafeteria outside of Sebastian  
14     Gunningham's office and the conference room about --  
15     it was right afterwards so November 1st, but before  
16     that I hadn't seen him for weeks.

17          Q.     And when did he leave Marketplace?

18          A.     I left Marketplace in January. Well,  
19     there's some precision there. So in the end of 2015,  
20     beginning of 2016 I took a role under a different VP,  
21     Adrian Agostini in the North American sales group.  
22     The North American sales group was re-orged within  
23     minutes under Peter Faricy so I was out and then back  
24     in Marketplace. And then I left to my current role in  
25     January 2000 -- or January of this year.

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1 Q. And was that your own initiative?

2 A. Yes.

3 Q. And what excited you about this new  
4 opportunity?

5 A. It was the opportunity to work with a  
6 different leadership team, so it was new people for me  
7 to learn from and to take ownership of a larger space  
8 within Amazon.

9 Q. Who do you report to?

10 A. I report to Andrew Hamel.

11 Q. Does he have a different management style  
12 than Mr. Faricy?

13 A. Yes.

14 Q. How so?

15 A. He is -- in some ways he's -- he involves  
16 his leadership team to help define organizational  
17 changes and to propose some of those changes.

18 Q. As compared to what?

19 A. Mr. Faricy will typically either delegate  
20 organizational changes to his team or choose to make  
21 them. My observation is my time with Andrew some  
22 organizational changes like which teams do which work  
23 is a little more -- or what is our overall mission has  
24 been a more collaborative -- like a more collaborative  
25 process. He's also not as structured in reporting.

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1 Q. As Peter?

2 A. At this point, yes.

3 Q. You reported directly to Peter?

4 A. I don't think there was a time that I  
5 reported directly to Peter.

6 Q. During 2014 who was your immediate  
7 superior?

8 A. It would have probably been either Pete  
9 Sauerborn or Mark Mitchke.

10 Q. And did you spend a fair amount of time  
11 with them?

12 A. I spend fairly limited time with them.

13 Q. Why is that?

14 A. You know, we would have staff meetings and  
15 I'd have one-on-ones and we'd have program reviews.  
16 So, you know, Mark would run a fairly broad set of  
17 programs, so I was one of his concerns.

18 Q. I want to go back to what I started to  
19 address earlier. Can you identify a particular person  
20 who lost trust with you to the degree that Abdullah  
21 Haydar lost trust with you?

22 A. I cannot think of a person who over the  
23 amount of time had the same number of gaps.

24 Q. And you believe that Abdullah Haydar did  
25 more to lose trust with you than you did to lose trust



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1 with others?

2 A. I'm not sure I would be well placed to  
3 contrast my contributions to others versus Abdullah's.  
4 I have received feedback as you've seen, that's mixed.

5 My responsibilities have put me in a position  
6 where I've been a platform owner or an owner of  
7 constrained resources, and so part of my job has been  
8 to say no or to make prioritization choices. And so  
9 from the feedback that I've seen is an opportunity to  
10 improve. You know, I've had to learn how to take on  
11 more -- more shared responsibility with partners, to  
12 manage expectations clearly with partners, and to --  
13 and to get feedback of how my personality might need  
14 to be -- might be more effective because I'm not  
15 always effective. Sometimes it's been good. It's  
16 been mixed, right.

17 So I've sought out mentors and sought out  
18 leadership development at Amazon to help make those  
19 changes, and I believe my reviews also show progress  
20 in those areas.

21 MR. NACHT: Let's take a few minutes.

22 (Recess 2:49-2:58.)

23 ////

24 ////

25 ////

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1 EXAMINATION (Continuing)

2 BY MR. NACHT:

3 Q. Okay. Just so I have a nice coherent list,  
4 all of your bosses at Amazon in a row?

5 A. Is that like a test question? I've been  
6 here 14 years. You know how fast we re-org, right?

7 Q. You've got a really good memory. You're a  
8 smart guy, you got a good memory and you have to do it  
9 in one breath.

10 A. That's like asking me to name my seven  
11 kids and their birthdays. That's what my  
12 four-year-old is for. She keeps track of all the  
13 birthdays.

14 Glad to do it. It's an interesting crew.

15 Q. Okay. The bosses?

16 A. Sure.

17 Q. Please.

18 A. Jacob Kjelstrup, to Rick Beatty to Dilip  
19 Kumar, to Jacob Levanon, to Curt Ohrt to Pete  
20 Sauerborn to --

21 Q. Okay. Before -- between those two, was  
22 there a time when there was an empty slot and you were  
23 reported directly to Faricy?

24 A. I don't remember if there was -- I would  
25 be surprised if there was much of a slot.

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1 Q. There was an org chart with sort of an  
2 empty box between you and Faricy. Is that when that  
3 was...?

4 A. I don't remember ever more than -- you  
5 know, I think I reported to Faricy for, like, four or  
6 five weeks at some point.

7 Q. I see.

8 A. Or it was a mentoring relationship when I  
9 first came to Marketplace.

10 Q. Okay.

11 A. So Pete Sauerborn to -- from Pete  
12 Sauerborn to Mark Mitchke to -- in the interim there,  
13 after Mark left, I forget who it was actually. And  
14 then back to Pete Sauerborn and then to Sean Scott and  
15 now Andrew Hamel.

16 Do you have the answer over there?

17 Q. Every conversation you had with a lawyer  
18 about Abdullah Haydar, I don't want to know the  
19 contents, I want to know when you had a conversation.  
20 First, did you have a conversation about Abdullah  
21 Haydar with a lawyer, it could be on the phone,  
22 speakerphone, iPhone, iFacetime, present in a meeting  
23 live, human beings, you have a meeting with a lawyer  
24 where the subject was Abdullah Haydar while Abdullah  
25 Haydar was an employee of Amazon?

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1 A. I don't remember if I've had a meeting  
2 with a lawyer. I had a meeting with an HR person.

3 Q. Anne DeCleene, the investigation?

4 A. Anne, yes.

5 Q. Okay. Is that what you're referring to?

6 A. Yes.

7 Q. Okay. And did that happen -- where did  
8 that occur, that investigation, interview? In your  
9 office?

10 A. Yes, in the Varzea building.

11 Q. How long did it last?

12 A. 45 minutes to an hour plus.

13 Q. Did you ever have a conversation with Derek  
14 Oehler about Abdullah Haydar?

15 A. Yes.

16 Q. On more than one occasion?

17 A. I remember sending documents to Derek and  
18 certainly followed up on one or two of those  
19 documents.

20 Q. Were you sending documents to Derek because  
21 of your own concern or because you were directed to?

22 A. I was sending documents to Derek because  
23 of my concerns.

24 Q. All right. Do you remember how you denied  
25 that you were part of a group of people orchestrating

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1 the elimination of Abdullah Haydar from the  
2 organization? Why were you sending documents to Derek  
3 Oehler the HR person for Abdullah Haydar if you were  
4 not part of such an effort?

5 A. That was that skip a beat piece just to  
6 double-check everything, great. Since we're back in  
7 this set of words you used before.

8 Derek Oehler is the HR person as is clear in  
9 the documents produced in this case. I've had  
10 feedback for Abdullah to help him either close  
11 performance gaps or address improvements that I'd like  
12 to see. When those weren't happening, my -- my next  
13 course of action was to send the observed, my  
14 observations to HR. We needed to consider the broader  
15 implications of the org. We were coming into a second  
16 OP1 cycle without having addressed the issues we  
17 observed in the first.

18 Q. At any point did you ever communicate to  
19 Peter Faricy that you had concerns about Abdullah  
20 Haydar?

21 A. I don't remember communicating any  
22 communication to Peter.

23 Q. Is it possible?

24 A. Not likely.

25 Q. Why?

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1           A. Peter is running a large Marketplace  
2 business with multiple VPs and multiple areas of  
3 growth and development. Why would I need to  
4 communicate to Peter about Selling Coach? Peter did  
5 not attend our -- we didn't have Selling Coach reviews  
6 with Peter. We were not in his top priority areas.

7           Q. Do you ever remember Peter commenting on  
8 any L7s who reported to you?

9           A. I can't think of any particular comments.  
10 It would be common in the overall Marketplace OLR  
11 review to review performance reviews of L7s and up to  
12 identify high performing L7s.

13          Q. And...?

14          A. And what?

15          Q. And just that?

16          A. Typically we were reviewing at the  
17 Marketplace level because we're reviewing across orgs  
18 we're looking for our top performers.

19          Q. You can't think of Peter Faricy expressing  
20 an interest in a low performing L7 who performed -- who  
21 reported to you, can you?

22          A. Nothing comes to mind. Peter would want  
23 to make sure that we're driving a rigorous performance  
24 process within Amazon. He pays close attention to our  
25 process.

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1 Q. Peter dives deep, right?

2 A. He has that reputation, yes.

3 Q. And but he really does it, doesn't he? He  
4 knows a lot, right?

5 A. He does know a lot.

6 Q. And he cares a lot about the people that  
7 make up his team, right?

8 A. One of his themes I believe I called out  
9 is, you know, one year was Care Personales. He wants  
10 to make sure we show care for people.

11 Q. But he also is someone who in contrast to  
12 your current boss takes a more direct managerial role  
13 in deciding who runs his organization, right?

14 A. That's been my observation for the last  
15 couple months.

16 Q. And did you ever get a sense from him about  
17 your own team, I think that person is a strong person,  
18 give them opportunities to grow, that person, leave  
19 them where they are, they sort of hit the peak? Do you  
20 get that kind of feedback from him?

21 A. No.

22 Q. So it would be unusual for him to be trying  
23 to identify anyone except the stars among the L7s?

24 A. It would be unusual for him to be poking  
25 into the lower levels of the organization.

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1 Q. And that would include the L7s?

2 A. And directing. And directing changes,  
3 that would feel unusual to me. He trusts me. Now, I  
4 did not say it would be unusual for him to look at top  
5 and bottom performers. That was what you said.

6 Q. Okay. Would it be weird for him to decide  
7 who was a bottom performer at an L7 level?

8 A. I don't know if it would be weird. It's  
9 certainly within his -- at the end of the day, he is  
10 responsible for the performance ratings for his  
11 organization particularly at the aggregate level.  
12 There are aggregate expectations.

13 I would say on multiple occasions I've seen  
14 people -- Peter push those decisions back to his  
15 leadership team.

16 Q. Decisions with his input?

17 A. Pushed back decisions. We have a target  
18 to hit, that is all your job. Call me back in when  
19 you're ready, would be an example statement that I've  
20 heard him make about -- actually about budgeting to  
21 your team size comment earlier.

22 Q. You have a personal belief that Peter  
23 Faricy played a role or didn't play a role in the  
24 elimination of Abdullah Haydar. What is your belief?

25 MR. WOLFF: Objection. Foundation.



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1 MR. NACHT: I'm asking what he believes.  
2 There's no foundation.

3 MR. WOLFF: You ask what he knows. You don't  
4 get to ask beliefs.

5 MR. NACHT: Beliefs, of course I get to ask  
6 what he believes.

7 MR. WOLFF: Do you have any basis to have a  
8 belief on that issue?

9 THE WITNESS: No.

10 MR. NACHT: That's coaching a witness.

11 MR. WOLFF: It's an improper question, David.

12 BY MR. NACHT:

13 Q. Do you have any -- did you ever hear,  
14 including hearsay, from someone else, did you ever hear  
15 anybody say, Faricy doesn't like Haydar? Faricy is  
16 upset with Haydar, Faricy is worried about Haydar,  
17 anything remotely like that?

18 A. From the things you described, I cannot  
19 remember anything and I did not hear anything like  
20 that.

21 Q. But since you have no facts to support a  
22 belief one way or the other, you could not at trial  
23 contradict any facts that we could bring forward to  
24 that end, correct?

25 MR. WOLFF: Objection.

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1 MR. NACHT: What's your objection?

2 MR. WOLFF: How does he know what facts  
3 you're being to bring forth at trial? And how does he  
4 know whether or not he can factually rebut them as he's  
5 sitting here now.

6 MR. NACHT: He either has facts about Faricy  
7 having an opinion, making statements, taking action about  
8 Abdullah or he doesn't, and this is his chance to put on  
9 the record under oath what he knows. And he's got to  
10 stick with it at trial because he's an honest man. He's  
11 under oath and this is his chance.

12 MR. WOLFF: Right. But you're asking him to  
13 say he can't rebut any facts on this topic --

14 MR. NACHT: No, I'm not.

15 MR. WOLFF: -- you're going to make at trial.

16 MR. NACHT: I'm not. I'm saying --

17 THE WITNESS: Do you want to rephrase the  
18 question?

19 BY MR. NACHT:

20 Q. Yeah.

21 A. That's good. You got a flight. I got  
22 seven kids, you know.

23 MR. WOLFF: You got seven kids and the flu.

24 THE WITNESS: I don't have the flu, a little  
25 head cold.

1 BY MR. NACHT:

2 Q. You stand by your answer to my learned  
3 opponent's question that you have no facts in your  
4 possession relating to Faricy's views about Haydar,  
5 correct?

6 A. I don't know what facts in possession  
7 would mean. You asked if I had heard Faricy express  
8 an opinion about Abdullah Haydar.

9 Q. Directly or indirectly through someone  
10 else?

11 A. And I said I don't remember hearing any  
12 expression from Peter from him or from anyone else.

13 Q. Okay. And you haven't seen any documents,  
14 you haven't -- let's just go there. Have you seen any  
15 documents defined as including electronic documents  
16 anything in writing? You just said you haven't heard  
17 anything, so now I'm asking if you've read anything  
18 that would constitute --

19 A. I've seen a lot of documents produced in  
20 this case.

21 Q. Yes.

22 A. And so, you know, I don't recall seeing  
23 any documents. There's many documents produced in  
24 this case, so...

25 Q. All right. And you stick to the -- your

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1 answer that your counsel led you to that you have no  
2 facts that you can point to right now which would  
3 support an opinion about Faricy's role in Haydar's  
4 termination, correct?

5 A. Are you asking me to speculate --

6 Q. No.

7 A. -- about Peter Faricy's role?

8 Q. Absolutely not. I'm not asking you to  
9 speculate at all. I'm asking you -- I'm just  
10 essentially ruling you out as a witness who knows  
11 something so that I'm not surprised at trial you're  
12 going to say, Well, actually you know, I remember this.  
13 That's it. I'm just closing the loop being a thorough  
14 lawyer. It's not a trick anything.

15 A. You know, I'm just here to answer  
16 questions. So the -- Peter's involved in the review  
17 process. Peter reviews top performers typically or  
18 often reviews bottom performers or least effective  
19 performers. If he expressed an opinion in that, I  
20 don't know. I did not hear an opinion and I don't  
21 remember seeing any particular document or electronic  
22 from the many documents that we've seen produced in  
23 this case.

24 Q. Did you see what -- DeCleene's notes about  
25 what you said?

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1 A. I have seen DeCleene's notes about what I  
2 said.

3 Q. Okay. Did she accurately capture what you  
4 said?

5 A. As best as I can recall, I think she's  
6 accurately captured what I said.

7 Q. Okay. Do you know Jim Joudrey to be an  
8 honest man?

9 A. I know Jim Joudrey, and Jim Joudrey has  
10 not lied to me that I know of.

11 Q. Who else besides Derek Oehler -- have you  
12 spoken to Mat Philipsen about your concerns with or his  
13 concerns with Abdullah Haydar?

14 A. I have spoken to Mat Philipsen about his  
15 concerns with Abdullah Haydar.

16 Q. But never about your concerns?

17 A. No.

18 Q. Okay. And what were Philipsen's concerns?

19 A. Philipsen was concerned about the ability  
20 to complete an OP1 plan with a set of commitments that  
21 he could confirm would achieve business goals were his  
22 primary concerns. He had sent me and Garret a fairly  
23 documented e-mail coming into the second OP1 cycle.

24 The primary concern I took away was he was  
25 concerned about his ability to work with Abdullah to

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1 deliver an OP1 plan.

2 Q. How long have you worked with Mat?

3 A. I hired Mat to Amazon, so 2014 I think he  
4 had been there two or three years.

5 Q. Okay. And you promoted him, correct?

6 A. Maybe a year. Yes.

7 Q. And he deserved that promotion?

8 A. The process approved his promotion. Yes,  
9 I think you would say the process worked.

10 Q. What could Mat Philipsen have done, if  
11 anything, in your view to improve his working  
12 relationship with Abdullah Haydar?

13 A. Well, I asked Mat that question, you know,  
14 when he brought me his concerns or my guidance to him  
15 was to make sure he had fulfilled his responsibilities  
16 and to create transparency across the leadership chain  
17 if he felt there were issues, not just me but the  
18 whole leadership chain, Garret as well.

19 Q. Okay.

20 A. And I thought he -- my particular  
21 recommendation is I didn't know if there was  
22 sufficient transparency. I encouraged him to create  
23 more transparency.

24 Q. What do you mean by that?

25 A. If he had concerns that he had brought to

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1 Abdullah and he didn't feel they were being addressed,  
2 that I felt put the organization or our program at  
3 risk. I thought that he should bring it up with  
4 Abdullah's boss which was Garret.

5 Q. So you encouraged Mat to speak to Garret  
6 Gaw about Mat's concerns with Abdullah?

7 A. I encouraged Mat to address his concerns  
8 with the success of the program and the risk to it  
9 from his working interactions with Abdullah.

10 Q. Who else besides Mat Philipsen, Derek  
11 Oehler, Garret Gaw, Anne DeCleene before Abdullah  
12 Haydar was fired did you speak to about their concerns  
13 or your concerns with Abdullah Haydar's performance or  
14 commitment to leadership principles?

15 A. I spoke with Joel Mosby during the time  
16 that Abdullah reported to Joel.

17 Q. Now, Joel indicated to Abdullah in the  
18 middle of 2014 that Abdullah had done a good job of  
19 improving on his weaknesses. Are you aware of that?

20 A. That doesn't surprise me.

21 Q. Why doesn't it surprise you?

22 A. Some of the -- both risks that I had  
23 called out in early part of 2014 as well as the  
24 specific requests we discussed earlier on roadmaps and  
25 just progress reports, Abdullah had improved on,

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1 particularly coming into OP1.

2 We didn't have the strategic vision docs, but  
3 we at least had more interaction on what priorities  
4 were and how changes were being made at that time.

5 Q. Did you become optimistic for a while that  
6 Abdullah would work out?

7 A. I want Abdullah to work out. I want the  
8 senior manager of the technology team for Nudge to be  
9 successful. My, you know -- it's one of my biggest  
10 technology partners. I want them to be successful.

11 Q. Who else -- did you have a second  
12 conversation with Joel Mosby where Mosby was more  
13 negative about Abdullah?

14 A. I don't recall talking to Mosby after  
15 he -- after he left his report.

16 MR. NACHT: Let's just take a break for a  
17 second.

18 (Recess 3:20-3:21.)

19

20 EXAMINATION (Continuing)

21 BY MR. NACHT:

22 Q. Who else have you spoken to about  
23 Mr. Haydar while he was still employed there about  
24 concerns either by you or by them about his performance  
25 or his commitment to leadership styles or his him



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1 interpersonally?

2 A. Besides my team, besides Mat Philipson --

3 Q. Yeah.

4 A. -- there were other members of my team who  
5 expressed concerns about Abdullah.

6 Q. Okay. Who is that?

7 A. Matt Tollini.

8 Q. Spell the last name, please?

9 A. T-O-L-L-I-N-I.

10 Q. Okay. What was his job at the time in  
11 2014?

12 A. He was a product manager for account  
13 management tools which were built on top of Selling  
14 Coach or Nudge systems.

15 Q. Can you remember the conversation?

16 A. He was concerned about whether he was  
17 going to get allocation to deliver software  
18 deliverables and concerned whether he was -- whether  
19 he could count on dates.

20 Q. When did you hear that? First part or  
21 second part of 2014?

22 A. I -- we have had a regular monthly review  
23 of his product, and so if he identified delivery dates  
24 as a risk, it could have been any of the monthly  
25 reviews.

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1 Q. Anyone else?

2 A. Not that I can recall.

3 Q. Who replaced Abdullah as being the  
4 technical team head of Nudge?

5 A. Anas Fattahi.

6 Q. How did that relationship work for you?

7 A. We built roadmaps and delivered a lot of  
8 new technology that were pretty critical for getting  
9 us out of data warehouse particularly.

10 Q. Positively?

11 A. Yes, yes, Anas was recently promoted and  
12 has also delivered several promotions off his team  
13 which I supported. He asked for my help to drive.

14 Q. Was there a period of time before Fattahi  
15 was put in that position after Abdullah was terminated?

16 A. I don't know. I don't remember.

17 Q. Well, I mean you were the business --

18 A. The business analytics partner, yes.

19 Q. I mean, so who was the interim technology  
20 lead? Who were you interacting with? This is a  
21 critical person for you you said?

22 A. It is.

23 Q. So who was it between those two?

24 A. I would send my questions to Garret.

25 Q. So before Fattahi you were dealing directly

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1 with Garret Gaw?

2 A. I would periodically deal with Garret  
3 because Garret was leading the overall tech side for  
4 OP1 on his -- in different Marketplace leadership  
5 capacities. It was not uncommon for me to send  
6 questions to Garret because Mat was driving the --  
7 often driving the primary relationships.

8 Q. What specific deliverables did you get from  
9 Fattahi?

10 A. I'd have to look at the roadmap. The  
11 things that stand out to me is Anas's team delivered  
12 significant changes to the Selling Coach widget on the  
13 gateway which is the landing page, the home page of  
14 Seller Central. He also helped led his team to  
15 deliver a system called Dryad and to get from proof of  
16 concept to get to a scaleable system. His teams  
17 partnered very closely with my analytics, business  
18 data engineering team to deliver that. Those were two  
19 of the standout deliverables from Anas.

20 Q. When did Anas come in relative to Abdullah  
21 leaving?

22 A. I would have to look at the -- I would  
23 have to look at the dates. I don't know specific  
24 dates but probably somewhere in Q4 of 2015, late '15,  
25 yeah. Late '15, early '16.

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1 MR. NACHT: This may not be all the pages.

2 BY MR. NACHT:

3 Q. I want to show you from Exhibit 2, the  
4 2014/'15 review process Bates stamp 5804 and it says,  
5 "Stefan was the very first I hired to the Marketplace  
6 team in January of 2009. This was for great reasons.  
7 Stefan has unique skill set to effectively lead both  
8 tech and product teams to excellence. Since 2009  
9 you've been our positive face of the seller business  
10 within Amazon, my go-to buyer experience expert and go  
11 take-the-hill leader. I will miss the sound of your  
12 booming voice and contribution to the Marketplace team  
13 but am equally excited to see your impact within NA  
14 sales team. The ultimate compliment is to be respected  
15 by your peers and are well respected. You made a big  
16 difference in 2014. Thanks for your hard work,  
17 leadership and loyalty."

18 Who wrote that?

19 A. I believe Peter Faricy wrote that.

20 MR. NACHT: Nothing further.

21 (Signature reserved.)

22 (Deposition concluded at 3:31 p.m.)  
23  
24  
25

ABDULLAH HAYDAR vs AMAZON CORPORATE  
HANEY, STEFAN 11/07/2017

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REPORTER'S CERTIFICATE

I, CONNIE A. RECOB, the undersigned Certified Court Reporter, pursuant to RCW 5.28.010 authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify that the sworn testimony and/or proceedings, a transcript of which is attached, was given before me at the time and place stated therein; that any and/or all witness(es) were duly sworn to testify to the truth; that the sworn testimony and/or proceedings were by me stenographically recorded and transcribed under my supervision, to the best of my ability; that the foregoing transcript contains a full, true, and accurate record of all the sworn testimony and/or proceedings given and occurring at the time and place stated in the transcript; that a review of which was requested; that I am in no way related to any party to the matter, nor to any counsel, nor do I have any financial interest in the event of the cause.

WITNESS MY HAND and SIGNATURE this 15th day of  
November, 2017.

*Connie Recob*

CONNIE A. RECOB, RMR, CRR  
Washington Certified Court Reporter, CCR 2631  
c.recob@gmail.com

Abdullah Haydar v. Amazon Corporate, LLC  
Stefan Haney 11/7/2017

Job 5361

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DEPOSITION ERRATA SHEET

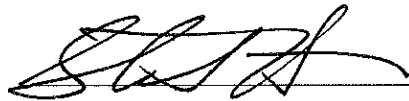
Our Assignment No. 5361

Case Caption: HAYDAR vs. AMAZON

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury  
that I have read the entire transcript of  
my Deposition taken in the captioned matter  
or the same has been read to me, and  
the same is true and accurate, save and  
except for changes and/or corrections, if  
any, as indicated by me on the DEPOSITION  
ERRATA SHEET hereof, with the understanding  
that I offer these changes as if still under oath.

Signed on the 6th day of December, 2017.



STEFAN HANEY

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## DEPOSITION ERRATA SHEET

Page No. 34 Line No. 18 Change to: Replace "coin"  
with "amount".

Reason for change: Incorrect word.

Page No. 36 Line No. 24 Change to: Replace "-" with "tech  
OLR"

Reason for change: Insertion of missing words.

Page No. 108 Line No. 17 Change to: Replace "he" with "you".

Reason for change: Incorrect pronoun.

Page No. 115 Line No. 22 Change to: Replace "communication"  
with "concerns".

Reason for change: Incorrect word.

Page No. 116 Line No. 6 Change to: Insert "at that point"  
after "Peter".

Reason for change: Clarification of temporal reference.

Page No.        Line No.        Change to:       

Reason for change:       

Page No.        Line No.        Change to:       

Reason for change:       

SIGNATURE: DATE: 12/6/17

STEFAN HANEY